
**Tuesday
May 29, 1990**

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Federal Register

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- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
 2. The relationship between the Federal Register and Code of Federal Regulations.
 3. The important elements of typical Federal Register documents.
 4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

MINNEAPOLIS, MN

- WHEN:** June 18, at 1:00 p.m.
- WHERE:** Bishop Henry Whipple Federal Building, Room 570, Ft. Snelling, MN
- RESERVATIONS:** 1-800-366-2998

KANSAS CITY, MO

- WHEN:** June 19, at 9:00 a.m.
- WHERE:** Federal Building, 601 East 12th Street, Room 110, Kansas City, MO.
- RESERVATIONS:** 1-800-735-8004

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Proclamation 6140 of May 24, 1990

The President

25th Anniversary of Head Start, 1990

By the President of the United States of America

A Proclamation

Since its inception 25 years ago, Head Start has helped to put millions of disadvantaged children on the path to success. Offering comprehensive health and nutrition programs, as well as educational and social services, Head Start helps to ensure that these children enter school ready to learn.

Too often, children from low-income families begin school with significant physical needs, as well as a lack of optimism and self-confidence. Head Start not only emphasizes proper nutrition and the early identification and treatment of health problems, but also offers disadvantaged children a variety of learning experiences designed to help them grow in curiosity and self-esteem. Promoting the intellectual and emotional growth of these children, as well as their physical well-being, Head Start has been a model for child development programs.

Head Start has effectively included children with disabilities and assisted them in obtaining the social and cognitive skills needed for achievement in school. Currently, more than 13 percent of Head Start participants are children with disabilities. Head Start staff members cooperate with other community agencies as they work to meet the special needs of these children.

An essential element of every Head Start program is the sustained involvement of parents. Because they are their children's first and greatest teachers, parents play a very important role in planning and implementing Head Start programs—either through membership on Head Start Policy Councils or through participation in classroom activities. In fact, parents of present and former students constitute more than one-third of Head Start's paid staff.

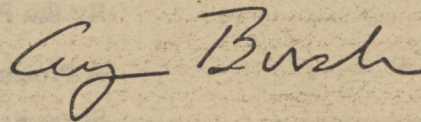
While government leadership is important, the caring and dedication of parents and volunteers are the key to Head Start's success. Today there are more volunteers than enrolled children in Head Start programs, and there are eight times more volunteers than paid staff members. Thus, Head Start not only serves as a shining example of the good that can be accomplished by concerned individuals working together at the community level, but also demonstrates that income and life circumstances are not barriers to serving others. Disadvantaged children will continue to benefit as more doctors and dentists, speech and language therapists, psychologists, and other professionals lend their services to Head Start.

Because Head Start helps to ensure that children enter school eager and able to learn, strengthening and expanding this program is an important part of our national strategy to promote excellence in American education. Indeed, for fiscal year 1991, I have proposed a \$500,000,000 increase in the budget for the Head Start program. These funds would allow us to serve up to 70 percent of eligible 4 year-olds before they start kindergarten.

The Congress, by House Joint Resolution 490, has authorized and requested the President to issue a proclamation in observance of the 25th anniversary of Head Start.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby urge all Americans to observe the 25th anniversary of Head Start with appropriate programs, ceremonies, and activities in recognition of all that this program has done and continues to do for low-income children and their families.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of May, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fourteenth.



[FR Doc. 90-12546

Filed 5-24-90; 4:21 pm]

Billing code 3195-01-M

Editorial note: For the President's remarks on the 25th anniversary of the Head Start program, see the *Weekly Compilation of Presidential Documents* (vol. 26, no. 21).

Rules and Regulations

Federal Register

Vol. 55, No. 103

Tuesday, May 29, 1990

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 29

[TB-90-002]

Grower Referendums

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Effective May 29, 1990 the Department of Agriculture is amending the regulations at 7 CFR part 29 containing the procedures for grower referendums on the designation of tobacco auction markets. Section 29.74(a), is revised to provide for cases where no tobacco growers sold tobacco at auction on the market during the preceding marketing season. In such cases, growers residing in the county where the proposed market is located, and in the adjacent counties, would be eligible to vote in a referendum on the proposed designation of a new market.

EFFECTIVE DATE: May 29, 1990.

FOR FURTHER INFORMATION CONTACT: Larry L. Crabtree, Chief, Market Information and Program Analysis Branch, Tobacco Division, AMS, USDA, P.O. Box 96456, Room 506 Annex, Washington, DC 20090-6456, telephone (202) 447-3489.

SUPPLEMENTARY INFORMATION: Notice was given in the Federal Register on Monday, March 26, 1990 (55 FR 11023) that the Department proposed to amend the regulations covering the procedures for conducting grower referendums on the designation of tobacco auction markets. Interested parties were given an opportunity to comment on the proposed rule. One comment was received from a State Farm Bureau favoring the proposed rule. The Department hereby adopts the regulations which appeared in the

proposed rule. The Tobacco Inspection Act authorizes the Secretary of Agriculture to designate markets where tobacco sold at auction must be federally inspected prior to sale. Price support services and regular inspection services are available only at designated markets.

The criteria for the designation of new markets are found at 7 CFR part 29, subpart A. The procedures for a grower referendum on the proposed designation of a market are found at 7 CFR part 29.74. The existing regulations on the eligibility of growers to vote in a referendum are directed to instances where the designation of an existing auction market is proposed. Growers are eligible to vote if they sold tobacco at auction on the market during the preceding marketing season. It is necessary to revise the referendum procedures because they do not provide for cases where the designation of an entirely new market is proposed and no tobacco growers sold tobacco at auction on the market during the preceding marketing season.

The agency believes that in such cases growers residing in the county where the proposed market is located and the adjacent counties should be eligible to vote in a referendum on the proposed designation. A review of data on sales patterns at existing designated tobacco markets shows that, in most cases, most of the tobacco offered for sale at a market originated in the county where the market is located or in adjacent counties. Thus, this method for determining eligibility to vote would include most interested growers and would not exclude many. It is also practical because the Department maintains lists of tobacco growers by county.

This rule has been reviewed under Departmental procedures established to implement Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule because it does not meet any of the criteria established for major rules under the executive order.

Additionally, in conformance with the provisions of Public Law 96-354, the Regulatory Flexibility Act, full consideration has been given to the potential economic impact upon small business. Most of the firms which would be affected by this rule are small businesses. Small agricultural producers

have been defined by the Small Business Administration (13 CFR 121.2) as those having gross annual revenues for the last three years of less than \$500,000, and small agricultural service firms are defined as those whose gross annual receipts are less than \$3,500,000. The Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This rule will not substantially affect the normal movement of the commodity in the marketplace. Compliance with this rule will not impose substantial direct economic cost, recordkeeping, or personnel workload changes on small entities, and will not alter the market share of competitive positions of small entities relative to the large entities and will in no way affect normal competition in the marketplace.

Farmers in the flue-cured area are required to designate the warehouse or warehouses where they will sell their tobacco. Two new markets have recently been designated by the Secretary pending final approval through referendum. Since this rule directly affects the conduct of referendums for these markets, it has been determined pursuant to 5 U.S.C. 553 that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register, in order that a referendum may be held as quickly as possible.

List of Subjects in 7 CFR Part 29

Administrative practice and procedure, Advisory committees, Government publications, Imports, Pesticides and pests, Reporting and recordkeeping requirements, Tobacco.

For the reasons set forth in the preamble, the regulations of 7 CFR part 29 are amended as follows:

PART 29—[AMENDED]

1. The authority citation for 7 CFR part 29, subpart B continues to read as follows:

Authority: 7 U.S.C. 511m and 511r.

2. Section 29.74(a) is amended by adding a sentence at the end of the paragraph as follows:

§ 29.74 Growers' referendum.

(a) * * * If no growers sold tobacco at auction on a proposed new market during the preceding marketing season, then the list of growers entitled to vote in the referendum shall be comprised of the growers residing in the county where the proposed new market is located and in the adjacent counties.

* * *
Dated: May 24, 1990.

Daniel Haley,
Administrator.

[FR Doc. 90-12427 Filed 5-25-90; 8:45 am]

BILLING CODE 3410-02-M

Federal Crop Insurance Corporation**7 CFR Part 401**

[Amdt. No. 30; Docket No. 7800S]

General Crop Insurance Regulations; Fresh Market Sweet Corn Endorsement

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) amends the General Crop Insurance Regulations (7 CFR part 401), effective for the 1991 and succeeding crop years, by adding a new section, 7 CFR 401.138, to be known as the Fresh Market Sweet Corn Endorsement. The intended effect of this rule is to provide the regulations containing the provisions of crop insurance protection on fresh market sweet corn in an endorsement to the general crop insurance policy.

EFFECTIVE DATE: This rule is effective on April 30, 1990.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC, 20250, telephone (202) 447-3325.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Departmental Regulation 1512-1. This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is established as June 1, 1995.

David W. Gabriel, Acting Manager, FCIC, (1) has determined that this action is not a major rule as defined by Executive Order 12291 because it will not result in: (a) An annual effect on the economy of \$100 million or more; (b) major increases in costs or prices for consumers, individual industries,

federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) certifies that this action will not increase the federal paperwork burden for individuals, small businesses, and other persons and will not have a significant economic impact on a substantial number of small entities.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115, June 24, 1983.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

FCIC herewith adds to the General Crop Insurance Regulations (7 CFR part 401), a new subpart to be known as 7 CFR 401.138, the Fresh Market Sweet Corn Endorsement, effective for the 1991 and succeeding crop years, to provide the provisions for insuring fresh market sweet corn.

Upon publication of 7 CFR 401.138 as a final rule, the provisions for insuring sweet corn contained in 7 CFR 401.138 will supersede those provisions contained in 7 CFR part 449, the Fresh Market Sweet Corn Crop Insurance Regulations, effective with the beginning of the 1991 crop year. The present policy contained in 7 CFR part 449 will be terminated at the end of the 1990 crop year and later removed and reserved. FCIC will amend the title of 7 CFR part 449 by separate document so that the provisions therein are effective only through the 1990 crop year.

Inasmuch as the sales closing date for the Fresh Market Sweet Corn Endorsement is April 30, good cause is shown for making this rule effective in less than 30 days.

Minor editorial changes have been made to improve compatibility with the new general crop insurance policy. These changes do not affect meaning or intent of the provisions. In adding the new Fresh Market Sweet Corn Endorsement to 7 CFR part 401, FCIC

makes other changes in the provisions for insuring fresh market sweet corn as follows:

1. Section 4—Add language concerning crop growth stages and corresponding percentage guarantee (This information was previously contained in actuarial table).

2. Section 7—Unit Division provisions are included in this section. Language has also been added to require that the insured keep production separate by units. Units will be determined for each planting period. Additional language is added to clarify that a premium reduction will be effective if optional units are not selected.

3. Section 9—Remove the "minimum value amount" from the policy and add language referring to the actuarial table.

4. Sections 10 & 11 have been modified to accommodate a distinction for areas potentially having a "fall planting period" compared to areas which do not.

5. Section 12—The following terms are revised to clarify their meaning.

- a. Tropical Depression
- b. Marketable sweet corn

Recently, FCIC's Board of Directors adopted a change which allows a discount against the premium for insureds who choose not to divide their acreage into optional units. Since this discount is available for sweet corn, appropriate explanatory language has been added to the annual premium and unit division sections of this endorsement.

On Friday, January 19, 1990, FCIC published a notice of proposed rulemaking in the *Federal Register* at 55 FR 1825, to provide the regulations containing the provisions of crop insurance protection on fresh market sweet corn in an endorsement to the general crop insurance policy. The public was given 30 days in which to submit written comments, data, and opinions on the proposed rule, but none were received. Therefore, the proposed rule published at 55 FR 1825 is hereby adopted as a final rule without change.

Since the date for filing changes is April 30 and all affected parties have been advised of such changes, good cause is shown for making this rule effective in less than 30 days.

List of Subjects in 7 CFR Part 401

Crop insurance; Fresh market sweet corn.

Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation amends the General Crop Insurance Regulations (7 CFR part 401), effective for the 1991 and succeeding crop years, as follows:

PART 401—[AMENDED]

1. The authority citation for 7 CFR part 401 continues to read as follows:

Authority: 7 U.S.C. 1506, 1516.

2. 7 CFR part 401 is amended to add a new section to be known as 7 CFR 401.138 Fresh Market Sweet Corn Endorsement, effective for the 1991 and succeeding crop years, to read as follows:

§ 401.138 Fresh market sweet corn endorsement.

The provisions of the Fresh Market Sweet Corn Endorsement for the 1991 and subsequent crop years are as follows:

Federal Crop Insurance Corporation

Fresh Market Sweet Corn Endorsement

1. Insured Crop

a. The crop insured will be sweet corn planted for harvest as fresh market sweet corn, grown on insurable acreage, and for which an amount of insurance and premium rate are set by the actuarial table.

b. In addition to the sweet corn insurable in section 2 of the general crop insurance policy we do not insure any acreage of sweet corn:

(1) Grown by any entity if that entity had not previously:

(a) grown sweet corn for commercial sales; or

(b) participated in the management of a sweet corn farming operation.

(2) Grown for direct consumer marketing;

(3) Which is not irrigated; or

(4) Unless the acreage is planted in rows far enough apart to permit mechanical cultivation.

c. Paragraph 2.e.(2) of the general crop insurance policy is not applicable to this endorsement.

2. Causes of Loss

a. The insurance provided is against unavoidable loss of production resulting from one or more of the following causes occurring within the insurance period:

(1) Frost;

(2) Freeze;

(3) Hail;

(4) Fire;

(5) Tornado;

(6) Wind or excess precipitation occurring in conjunction with a cyclone; or

(7) Failure of the irrigation water supply due to an unavoidable cause occurring after the beginning of planting;

unless those causes are excepted, excluded, or limited by the actuarial table or section 9 of the general crop insurance policy.

b. In addition to causes of loss specified in section 1 of the general policy as not insured, we will not insure against any loss of production due to:

(1) Disease

(2) Insect infestation; or

(3) Failure to market the sweet corn unless such failure is due to actual physical damage from a cause specified in subsection 2.a. of this endorsement.

3. Report of Acreage, Share, and Practice (Acreage Report)

In addition to the information required by section 3 of the general crop insurance policy, you must report by unit for each planting period all the acreage of fall, winter, and spring-planted sweet corn (as applicable) in the country in which you have a share.

4. Amount of Insurance

a. Subsection 4.d. of the general crop insurance policy is not applicable to this endorsement.

b. The amount of insurance per acre as shown on your policy confirmation is progressive by plant growth stage. The stages and amounts of insurance are:

(1) First stage (from planting until the beginning of tasselling, (tassel visible above the whorl)) is 65 percent of the final stage amount of insurance; and

(2) Final stage (from tasselling until the acreage is harvested) is the final stage amount of insurance (100 percent) as contained in the applicable actuarial table.

c. Any acreage of fresh sweet corn damaged in the first stage to the extent that we determine it should not be further cared for, will be deemed to have been destroyed, even though you continue to care for it. The amount of insurance for such acreage will not exceed the first stage guarantee.

5. Annual Premium

The annual premium amount is computed by multiplying the final stage amount of insurance times the premium rate, times the insured acreage, times you share at the time of planting, times any applicable premium adjustment factor for which you may qualify as shown by the actuarial table.

6. Insurance Period

In lieu of the provision in section 7 of the general crop insurance policy, insurance attaches when the sweet corn is planted in each planting period and ends at the earliest of:

a. Total destruction of the insured crop on the unit;

b. Discontinuance of harvest of sweet corn on the unit;

c. The date harvest should have started on the unit on any acreage which has not been harvested;

d. Completion of harvest on a unit; or

e. Final adjustment of a loss on a unit.

f. The calendar date for the end of the planting period contained in the actuarial table.

7. Unit Division

All insurable sweet corn acreage, by planting period, that would otherwise be one unit, as defined in subsection 17.q. of the general crop insurance policy, may be divided into more than one unit if, for each proposed unit you maintain, written verifiable records of planted acreage and harvested production for a least the previous crop year. Acreage planted to the insured sweet corn must be located in separate, legally identifiable sections or, in the absence of section descriptions, on acreage identified by separate ASCS Farm Serial Numbers, provided:

a. The boundaries of the section or ASCS Farm Serial Number are clearly identified,

and the insured acreage can be easily determined; and

b. The sweet corn is planted in such a manner that the planting pattern does not continue into an adjacent section or ASCS Farm Serial Number.

If you have a loss on any unit, production records for all harvested units, whether insured or uninsured, must be provided to us. Production that is commingled between optional units will cause those units to be combined for insurance purposes. If your sweet corn acreage is not divided into optional units as provided in this section, your premium amount will be reduced as provided by the actuarial table.

8. Notice of Damage or Loss

In lieu of the notices required in subsections 8.a. (3), and (4) of the general crop insurance policy, in case of damage or probable loss you must give us written notice within three (3) days of the date of damage and indicate the cause of damage and whether a claim for indemnity is probable. In the event damage occurs within three (3) days of or during harvest, immediate notice stating the cause of damage and probability of a claim must be given to us. If a notice has been given, we must be notified of the expected time of harvest at the time of notice or not later than 72 hours before harvest begins, whichever is applicable.

9. Claim for Indemnity

a. The indemnity will be determined on each unit by:

(1) Multiplying the insured acreage by the amount of insurance per acre for the stage of plant growth as defined in subsection 4.c;

(2) Subtracting therefrom the total dollar value of sweet corn production to be counted (see subsection 9.c.); and

(3) Multiplying this result by your share.

b. In lieu of subsection 9.d. of the general crop insurance policy, if the information reported by you under section 3 of this endorsement results in a lower premium than the actual premium determined to be due, the amount of insurance on the unit will be computed on the information reported, but the value of all production from insurable acreage, whether or not reported as insurable, will count against the amount of insurance.

c. The total value of production to be counted for a unit will include the value for all harvested and appraised production.

(1) The total value of harvested production will be the greater of:

(a) The dollar amount obtained by multiplying the number of 42 pound crates of sweet corn harvested on the unit by the minimum value shown for the planting period in the actuarial table; or

(b) The dollar amount obtained by multiplying the number of 42 pound crates of sweet corn sold by the price per crate received minus the allowable cost established by the actuarial table (subtraction of the allowable cost from the price received may not result in an amount per crate less than zero).

(2) The value of any appraised production will not be less than the dollar amount obtained by multiplying the appraised

number of 42 pound crates of sweet corn by the minimum value per crate shown on the actuarial table for the planting period and will include:

(a) The value of any potentially marketable production;

(b) The value of unharvested production on harvested acreage and the value of any potential production lost due to uninsured causes; and

(c) Not less than the final stage dollar amount of insurance per acre for any acreage abandoned or put to another use without prior written consent or which is damaged solely by an uninsured cause, or for which notice of damage was not given as required by section 8 of this endorsement and of the general crop insurance policy.

(3) Unharvested sweet corn damaged or defective due to insurable causes and which is not marketable sweet corn will not be counted as production.

(4) Any appraisal we have made on insured acreage for which we have given written consent to be put to another use will be considered production unless such acreage is:

(a) Not put to another use before harvest of sweet corn becomes general in the county for the planting period and reappraised by us;

(b) Further damaged by an insured cause and reappraised by us; or

(c) Harvested.

d. A replanting payment is available in accordance with subsection 9.h. of the general crop insurance policy. The acreage to be replanted must have sustained a loss in excess of 25 percent of the plant stand. In lieu of subsection 9.h.(1)(c) of the general crop insurance policy, no replanting payment will be made on acreage on which a replanting payment has been made during the current planting period for the crop year. The replanting payment will not exceed the product obtained by multiplying \$65.00 per acre by your share.

10. Cancellation and Termination Dates

State and county	Cancellation and termination dates
Florida; Atkinson, Baker, Brantley, Camden, Colquitt, Cook, Early, Mitchell, and Ware Counties; Georgia and all Georgia counties south thereof which have a "fall planting period."	July 31
Alabama; all other Georgia counties and South Carolina.	February 15
All other states.....	April 15

11. Contract Changes

Contract changes will be available at your service office by April 30 preceding the cancellation date for Florida and Georgia Counties with a fall planting period, and by November 30 preceding the cancellation date in all other states.

12. Meaning of Terms

For the purposes of fresh market sweet corn crop insurance:

a. "Crop year" means the period within which the sweet corn is normally grown,

beginning July 15 and continuing through the harvesting of the spring-planted sweet corn. It is designated by the calendar year in which spring-planted sweet corn is normally harvested.

b. "Cyclone" means a large-scale, atmospheric wind-and-pressure system (without regard to the time of year), named by the United States Weather Service and characterized by low pressure at its center and counterclockwise, circular wind motion, in which the minimum sustained surface wind (1-minute mean) is 34 knots (39 miles per hour) or more at the time of loss as recorded by the U.S. Weather Service reporting station nearest to the crop damage.

c. "Freeze" means the condition that exists when air temperatures over a widespread area remains at or below 32 degrees Fahrenheit, and causes damage to plant tissue.

d. "Frost" means a deposit or covering of minute ice crystals formed from frozen water vapor which causes damage to plant tissue.

e. "Harvest" means the final picking of marketable sweet corn on the unit.

f. "Marketable sweet corn" means the sweet corn which meets the standards for grading U.S. #1 or better and will withstand normal handling and shipping.

g. "Planting period" means the period of time within the dates set by the actuarial table, and is designated as "fall-planting period," "winter-planting period," or "spring-planting period."

h. "Plant stand" means the number of live plants per acre before the plants were damaged due to insurable causes.

i. "Potential production" means the number of 42# crates of sweet corn which would have been produced per acre by the end of the insurance period.

j. "Sweet corn" means a type of corn with kernels containing a high percentage of sugar and adapted for table use.

k. "Sweet corn grown for direct consumer marketing" means sweet corn grown for the purpose of selling from the farm directly to the consumer without the intervention of a wholesaler, retailer, or packer.

Done in Washington, DC, on May 22, 1990.

David W. Gabriel,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 90-12279 Filed 5-25-90; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 719]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 719 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 390,000 cartons during the period from

May 27, 1990, through June 2, 1990. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

DATES: Regulation 719 (7 CFR part 910) is effective for the period from May 27, 1990, through June 2, 1990.

FOR FURTHER INFORMATION CONTACT: Beatriz Rodriguez, Marketing Specialist, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2523, South Building, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 475-3861.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed by the Department in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory action to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 70 handlers of lemons grown in California and Arizona subject to regulation under the lemon marketing order and approximately 2,500 producers in the regulated area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual receipts of less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$3,500,000. The majority of handlers and producers of California-Arizona lemons may be classified as small entities.

This regulation is issued under Marketing Order No. 910, as amended (7 CFR part 910), regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act (the "Act," 7 U.S.C. 601-674), as amended. This action is based upon the recommendation and information

submitted by the Lemon Administrative Committee (Committee) and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

This regulation is consistent with the California-Arizona lemon marketing policy for 1989-90. The Committee met publicly on May 22, 1990, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and unanimously recommended a quantity of lemons deemed advisable to be handled during the specified week. The Committee reports that demand for large-sized lemons (140's or larger) is good. However, price discounting continues on small-sized lemons.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary, in order to effectuate the declared purposes of the Act, to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Lemons, Marketing agreements, and Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 910 is amended as follows:

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

1. The authority citation for 7 CFR part 910 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. Section 910.719 is added to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

§ 910.719 Lemon regulation 719.

The quantity of lemons grown in California and Arizona which may be handled during the period from May 27,

1990, through June 2, 1990, is established at 390,000 cartons.

Dated: May 23, 1990.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90-12386 Filed 5-25-90; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 89-ANE-07; Amdt. 39-6591]

Airworthiness Directives; General Electric Company (GE), CF6-50/-45 Series Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires the installation of a center vent tube extension assembly on GE CF6-50/-45 series turbofan engines. The AD is needed to prevent fire in the low pressure turbine (LPT) rotor cavity, which could result in uncontained LPT rotor failure.

EFFECTIVE DATE: June 25, 1990.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 25, 1990.

COMPLIANCE: As indicated in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from General Electric Aircraft Engines, CF6 Distribution Clerk, Room 132, 111 Merchant Street, Cincinnati, Ohio 45246, or may be examined at the Regional Rules Docket, Room 311, Office of the Assistant Chief Counsel, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Thomas Boudreau, Engine Certification Branch, ANE-142, Engine Certification Office, Engine and Propeller Directorate, Aircraft Certification Service, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7096.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (FAR) to include an AD which requires the installation of a center vent tube extension assembly

on certain GE CF6-50/-45 series turbofan engines was published in the **Federal Register** on November 22, 1989, (54 FR 48272).

The proposal was prompted by an incident in which the failure of a main fuel/oil heat exchanger resulted in an uncontained LPT failure due to a fire in the LPT rotor cavity. Internal leakage of the heat exchanger resulted in the accumulation and ignition of a combustible fuel/oil mixture in the LPT rotor cavity aft of the "D" sump. This engine configuration did not incorporate a center vent tube extension, thus the volatile vapors were not vented overboard.

Interested persons have been afforded an opportunity to participate in the making of this amendment. One comment was received concerning the proposed rule and the commenter expressed no objection to its adoption. Accordingly, the proposal is adopted without change.

The regulations adopted herein will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation involves 397 engines, and will cost approximately \$25,000 per engine yielding an approximate total cost of \$9,925,000. It has also been determined that few, if any, small entities within the meaning of the Regulatory Flexibility Act will be affected since this final rule affects only operators using aircraft in which GE CF6-50/-45 series turbofan engines are installed, none of which is believed to be a small entity. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained from the Regional Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety, and Incorporation by reference.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration (FAA) amends 14 CFR part 39 of the Federal Aviation Regulations (FAR) as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [AMENDED]

2. Section 39.13 is amended by adding the following new airworthiness directive (AD):

General Electric Co.: Applies to General Electric Company (GE) CF6-50-45 turbofan engines installed on, but not limited to, McDonnell Douglas DC-10, Airbus A300, and Boeing B747 aircraft.

Compliance is required at the next shop visit after the effective date of this AD, but not later than January 1, 1992, unless already accomplished.

To prevent uncontained low pressure turbine (LPT) failure due to a fire in the LPT rotor cavity, accomplish the following:

(a) Install the center vent tube extension assembly and associated hardware in accordance with GE CF6-50 Series Service Bulletin (SB) 72-395, Revision 3, dated June 30, 1989. **NOTE:** Shop visit for the purpose of this AD is defined as the induction of the engine into the shop for performance of maintenance.

(b) Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD can be accomplished.

(c) Upon submission of substantiating data by an owner or operator through an FAA Airworthiness Inspector, an alternate method of compliance with the requirements of this AD or adjustments to the compliance (schedule) times specified in this AD may be approved by the Manager, Engine Certification Office, Engine and Propeller Directorate, Aircraft Certification Service, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803.

The installation of the center vent tube extension assembly and associated hardware shall be done in accordance with GE CF6-50 Series SB 72-395, Revision 3, dated June 30, 1989, which incorporates the following list of effective pages:

Page No.	Revision No.	Date
Page 1-6	Revision 3	June 30, 1989.
Page 7	Revision 1	April 29, 1977.
Page 8-26	Revision 3	June 30, 1989.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from General Electric Aircraft

Engines, CF6 Distribution Clerk, Room 132, 111 Merchant Street, Cincinnati, Ohio 45246. Copies may be inspected at the Regional Rules Docket, Office of the Assistant Chief Counsel, Federal Aviation Administration, New England Region, 12 New England Executive Park, Room 311, Burlington, Massachusetts 01803, or at the Office of the Federal Register, 1100 L Street, NW., Room 8301, Washington, DC 20591.

This amendment becomes effective on June 25, 1990.

Issued in Burlington, Massachusetts, on April 26, 1990.

Arthur J. Pidgeon,

Acting Manager, Engine and Propeller

Directorate, Aircraft Certification Service.

[FR Doc. 90-12251 Filed 5-25-90; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[T.D. 8296]

RIN 1545-AM02

Disclosure of Return Information to the Bureau of the Census

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction of final regulations (T.D. 8296).

SUMMARY: This document contains corrections to final regulations amending the Regulations on Procedure and Administration authorizing the disclosure of additional items of return information to the Bureau of the Census for use in certain statistical programs and deleting the authority to disclose those items of return information that the Bureau no longer needs.

EFFECTIVE DATE: March 28, 1990.

FOR FURTHER INFORMATION CONTACT: Paul Winkler, 202-566-4430 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations (T.D. 8296) which are the subject of this correction concerns the disclosure of return information to the Bureau of the Census.

Need for Correction

As published, the final regulations contain errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of T.D. 8296 which was the subject of FR Doc. 90-6935, published on March 28, 1990, at 55 FR 11367, is corrected to read as follows:

Par. 1. On page 11367, column 2, the "RIN" number in the heading which reads "RIN 1545-AM02" should be corrected to read "RIN 1545-AM02".

Par. 2. On pages 11367 and 11368, all references to "301.6103(j)(1)-1" should be corrected to read "301.6103(j)(1)-1".

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 90-12148 Filed 5-25-90; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 220

Collection From Third Party Payers of Reasonable Hospital Costs

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule.

SUMMARY: This final rule amends the current DoD regulation governing collection from third party payers of reasonable inpatient hospital care costs incurred on behalf of retirees and dependents under title 10, U.S. Code 1095. The final rule clarifies rights and obligations of third party payers and health care beneficiaries under this statute and establishes applicable procedures.

EFFECTIVE DATE: This final rule is effective June 28, 1990.

ADDRESSES: Office of the Assistant Secretary of Defense (Health Affairs), room 1B657, Pentagon, Washington, DC 20301-1200.

FOR FURTHER INFORMATION CONTACT: Steve Lillie, telephone (202) 697-8975.

SUPPLEMENTARY INFORMATION:

I. Background

As part of the Consolidated Omnibus Budget Reconciliation Act of 1985, Congress enacted 10 U.S.C. 1095 to require the Department of Defense to collect from third party payers reasonable inpatient hospital care costs incurred on behalf of nonactive duty DoD health care beneficiaries. This legislation was based on the premise that private health care plans should not avoid payment for inpatient health care services provided to their plan beneficiaries because those

beneficiaries also happen to be entitled to space available care in military facilities. Currently, the law applies only to inpatient care; it does not apply to outpatient services.

To implement this statute, the Department of Defense issued a proposed rule October 8, 1986, and a final rule September 25, 1987. This part, 32 CFR part 220, established basic rules and procedures for carrying out what was referred to as the "coordination of benefits" program.

After several years of experience, it has become apparent that the basic Congressional purpose is not being effectuated. As an illustration, although it was estimated that collections could reach \$100 million per year when the program reached full operation, fiscal year 1988 results show a much lower level of activity: \$32 million billed, \$16 million collected. In fiscal year 1989, \$38 million was billed and \$17 million was collected.

In its desire to improve the effectiveness of this program, Congress has very recently amended 10 U.S.C. 1095 to provide that funds collected under this program, rather than being turned over to the general treasury, be credited to the appropriations account supporting the facility at which the care was provided. National Defense Authorization Act for Fiscal Year 1990, Public Law 101-189, section 727. The intent of this provision is to provide an incentive for facilities of the uniformed services more aggressively to implement this program. In addition, the Department of Defense Appropriations Act, 1990, Public Law 101-165, section 9101, expressed support for "increasing collections from third party payers" under this program.

Another noteworthy development is that the Office of the Inspector General of the Department of Defense is in the process of completing an exhaustive audit documenting a number of reasons for the disappointing results. These include an inadequate effort on the part of many military hospitals to identify cases covered by 10 U.S.C. 1095 and to seek payment from the applicable third party payer in accordance with the law. Another reason may be that the Department of defense has not previously provided a substantial amount of regulatory guidance to interested parties concerning implementation of the statute.

The purpose of this final rule is to remedy the latter problem and to do so in a manner that will facilitate smooth handling of the anticipated increased billings that will result from efforts (including the recent legislative

amendment) to remedy the former problem.

This final rule is the product of a rulemaking process that included publication of a proposed rule for public comment, January 16, 1990, 55 FR 1473. One public comment was received. The final rule reflects only minor revisions from the proposed rule.

II. Provisions of the Final Rule

With this as background, the following is a section-by-section description of the final rule. Preliminarily, however, two introductory points are noteworthy. First, for purposes of clarity, our final rule is set forth as a complete revision of part 220, made up of some provisions carried over with little or no substantive change, as well as a number of completely new provisions. Also, some of the provisions of the current part 220 that have not been carried over to this final rule are requirements purely internal in nature. These types of provisions will be incorporated in revised internal instructions in the near future. All substantive requirements applicable to external parties are intended to be included in this final rule.

The second introductory comment is that we adopt the title "Collection from third party payers of reasonable hospital costs," for part 220, which is derived from the statutory headnote of 10 U.S.C. 1095. The current title of part 220 is "Coordination of Benefits." This term, which the insurance industry uses to label the process of sorting out respective responsibilities when more than one third party payer is involved, is something of a misnomer for the statutory mandate of 10 U.S.C. 1095.

A. Purpose and applicability (§ 220.1). This section simply states the purpose and applicability of part 220 in relation to the statute.

B. Statutory obligation of third party payer to pay (§ 220.2).

1. Basic rule

Paragraph 220.2(a) restates a third party payer's basic obligation under the statute. The statute requires that in the case of nonactive duty health care beneficiaries,

the United States shall have the right to collect from a third party payer the reasonable costs of inpatient hospital care incurred by the United States on behalf of such person through a facility of the uniformed services to the extent that the person would be eligible to receive reimbursement or indemnification from the third party payer if the person were to incur such costs on the person's own behalf.

10 U.S.C. 1095(a)(1).

A commenter suggested that it exceeded the statutory authority of section 1095 to construe the government's "right to collect from a third party payer" under the statute as establishing for a third party payer "an obligation to pay the United States" in the regulation. We disagree. We believe this is an appropriate, indeed unavoidable, interpretation of the statutory mandate and is fully consistent with the legislative intent.

2. Application of cost shares

Paragraph 220.2(b) restates the statutory provision (the second sentence of 10 U.S.C. 1095(a)(1)) that the payment due the United States may take into account any copayments and deductibles under the third party payer's health plan.

3. Claim from United States exclusive

Paragraph 220.2(c) attempts to clarify the Department of Defense's interpretation of the statute in connection with one of several issues identified by the Inspector General as being a possible source of confusion. The issue is how 10 U.S.C. 1095 applies to a situation in which the third party payer made payment directly to the beneficiary for care provided in a facility of the uniformed services. As noted above, the statute says "the United States shall have the right to collect from a third party payer. * * *". It is our view that a third party payer's obligation under this section is not satisfied by the third party payer paying the patient. Not only would payment to the patient not satisfy 10 U.S.C. 1095, it is also very doubtful that any valid claim could be made by the patient to the third party payer. Typically, an insured person can only be reimbursed by the insurer for expenses actually incurred; a patient who did not pay for the health care services would not be entitled to reimbursement from the third party payer.

Thus, payments from the third party payer to the patient would not be appropriate under 10 U.S.C. 1095 and would probably also not be appropriate under the third party payer's policy or program. The latter issue, of course, would be between the third party payer and the patient. As far as the Department of Defense's posture is concerned, it is that: payment to the patient does not satisfy 10 U.S.C. 1095; the 10 U.S.C. 1095 claim must be paid by the third party payer to the Department of Defense; and in cases in which the third party payer erroneously pays the beneficiary, it is the third party payer's responsibility to recover from the

beneficiary. This position is reflected in paragraph 220.2(c).

4. Assignment of benefits not necessary

Paragraph 220.2(d) deals with another issue on which the Inspector General's report will suggest guidance: whether beneficiaries must execute an assignment of benefits form for the third party payer to pay. It is our view that no such form is needed because under 10 U.S.C. 1095, the right to collect is already assigned to the government. Unless the patient actually incurs some expenses for the hospital care provided in the facility of the uniformed services, the patient likely has no benefit to assign under the terms of the third party payer's plan. Thus, in general, assuming that the patient has made no payment for the services received (this issue is discussed below in connection with paragraph 220.8(b)), the third party payer need only recognize that its sole obligation for payment is to the United States and that this obligation is not dependent upon any assignment of benefits. Paragraph 220.2(d) reflects this position.

C. Exclusions impermissible (§ 220.3)

Section 220.3 attempts to provide useful operational rules to implement 10 U.S.C. 1095(b) of the statute, which states:

No provision of any insurance, medical service, or health plan contract or agreement having the effect of excluding from coverage or limiting payment of charges for certain care if that care is provided through a facility of the uniformed services shall operate to prevent collection by the United States * * *.

1. Statutory requirement

Paragraph 220.3(a) restates this statutory requirement.

2. General rules regarding exclusions

Paragraph 220.3(b) establishes several general rules derived from the basic statutory requirement. We believe these general rules will help interested parties resolve issues that may arise later that have not been expressly addressed in the regulation. The first general rule states one of the obvious results of 10 U.S.C. 1095(b): Express exclusions of limitations inconsistent with 10 U.S.C. 1095 are inoperative.

The second general rule is that no objection, precondition or limitation may be asserted that defeats the statutory purpose of collecting from third party payers. This extends the first general rule a little bit to cover situations in which a third party payer's plan might at first not appear to treat facilities of the uniformed services less

favorably, but does produce that effect. This interpretation is based on the statutory formulation of the prohibition in terms of provisions that "have the effect" of excluding or limiting payment.

The third general rule is that third party payers may not treat claims arising from services provided in facilities of the uniformed services less favorably than they treat claims arising from services provided in other hospitals. This interpretation is based on the key concepts embodied in the statute that the obligation to pay is "to the extent" the third party payer would pay other hospitals (10 U.S.C. 1095(a)) and that provisions that have the effect of excluding or limiting payment are prohibited (10 U.S.C. 1095(b)). We believe the general rule disallowing less favorable treatment provides a useful method of analyzing situations to assure compliance with the statute.

Finally, the fourth general rule set forth in paragraph 220.3(b) states that no objection, precondition or limitation may be asserted that is contrary to the basic nature of facilities of the uniformed services. This deals with one kind of circumstance that the second general rule addresses: a provision that looks neutral on its face, but if applied to a facility of the uniformed services would be contrary to the essential character of such facilities. This is based on our interpretation that Congress clearly understood the basic nature of facilities of the uniformed services and viewed provisions inconsistent with that nature as "having the effect" of improperly defeating the statutory purpose.

3. Examples of Impermissible Exclusions

Paragraph 220.3(c) provides specific examples of exclusions impermissible under the statutory requirement and the general rules. These examples are not all inclusive; rather, they are illustrative. Also, although one example is given for each of the general rules, some of the examples could be said to pertain to more than one of the general rules.

Care provided by a government facility. The first example of an impermissible exclusion is a provision that purports to disallow payment for services provided by a government entity or paid for by a government program. This is an example of the first general rule stated above. Congressional intent regarding the elimination of the exclusions such as this was made clear by the legislative history of 10 U.S.C. 1095. The House Committee Report stated:

The principal reason that military medical facilities do not presently attempt to collect for the cost of care is that many insurance

contracts contain exclusionary clauses. These exclusionary clauses relieve the insurance carrier of liability for payment where the policy holder has no legal obligation to pay or where the care is provided in a government facility, notwithstanding the fact that the insurance carrier would have provided reimbursement for the cost of care for the same individual if that care were provided in a nongovernmental hospital. [The legislation] would assert the government's authority to collect for the cost of such care notwithstanding any exclusionary clauses that might be included in the policy.

H. Rept. No. 99-300, 99th Cong., 1st Sess., 8-9.

No obligation to pay. An example of the second general rule stated above is a provision in a third party payer's plan that purports to disallow payment when the beneficiary has no legal obligation to pay. Our interpretation that such an exclusion is impermissible is based on the statutory wording (in 10 U.S.C. 1095(a)(1)) that the government's right to collect is to the extent the beneficiary would receive reimbursement "if the person were to incur such costs on the person's own behalf." A basic statutory characteristic of the military health services system is that beneficiaries have no obligation to pay (except nominal amounts called for by law). Recognizing this, Congress specifically expressed the government's right to collect in terms to make clear that it should be considered as if the beneficiary has an obligation to pay. Thus, it is our interpretation that the fact that the beneficiary has no actual obligation to pay has been made expressly irrelevant by 10 U.S.C. 1095. This is an example of a provision that would defeat the clear statutory purpose of 10 U.S.C. 1095. The same conclusion applies to any similar exclusion expressed in slightly different words, such as that no charge would be made if the person had no health insurance.

Exclusion of military beneficiaries. An example of the third general rule is a provision in an employer sponsored health plan which purports to make ineligible for coverage individuals who are military health care beneficiaries. Such an exclusion would clearly have the effect of treating facilities of the uniformed services less favorably than other hospitals.

No participation agreement. An example of the fourth general rule is a provision in a third party payer's plan that would exclude payment to a hospital that has no participation agreement with the third party payer. Prior to the issuance of our original part 220, the issue arose of whether a third party payer could insist that as a precondition to payment under 10 U.S.C.

1095, the facility of the uniformed services must enter into a participating provider agreement with the third party payer. DoD Instruction 6010.15 (the present 32 CFR part 220, paragraph 220.4(c)) addressed this issue:

Participating hospital agreements are premised on compliance with State and local laws and regulations by a State nonprofit health care corporation. Since Federal entities are governed by Federal statutes and regulations, the Department of Defense medical treatment facilities should not enter into local participating hospital agreements.

Consistent with this, paragraph 220.3(c)(4) states that the lack of a participation agreement or the absence of a specific contractual relationship (often referred to as "privity of contract") between a third party payer and a facility of the uniformed services is not a permissible ground for refusing payment under 10 U.S.C. 1095. This is an example of the general rule that disallows preconditions that are inconsistent with the basic nature of facilities of the uniformed services. (We note that some facilities of the uniformed services have understandings with some third party payers concerning claims procedures and the like for the purpose of facilitating smooth administration. Such understandings would not offend our rule as long as they do not purport to be preconditions to complying with statutory and regulatory requirements, rather than instruments to facilitate compliance.)

D. Reasonable terms and conditions of the plan permissible (§ 220.4)

Section 220.4 attempts to describe the flip side of § 220.3. Whereas that section discusses impermissible exclusions, this section describes reasonable terms and conditions of the third party payer's plan that are permissible.

1. Statutory requirement

As mentioned above, 10 U.S.C. 1095 defines its applicability "to the extent that" the third party payer would pay the patient if the patient incurred the costs personally. This is the starting point for the concept that under the statute, third party payers are permitted to apply to inpatient hospital care provided in facilities of the uniformed services reasonable terms and conditions of the plan. Thus, this point is reiterated in paragraph 220.4(a).

2. General rules

As in the last section, several general rules would appear to aid application of the statute to particular factual situations. The first general rule is that, after impermissible exclusions have been eliminated, reasonable terms that

apply generally and uniformly to services provided in all facilities may be applied to facilities of the uniformed services. A key concept embodied in this general rule is that the terms and conditions apply generally and uniformly.

The basic statutory principle can also be restated in terms similar to one of the general rules on exclusions. As stated in § 220.3, facilities of the uniformed services may not be treated less favorably than other hospitals. The flip side of that is that third party payers need not treat facilities of the uniformed services more favorably than other hospitals. This is stated as a second general rule for identifying permissible terms and conditions.

3. Example of permissible terms and conditions

Paragraph 220.4(c) lists three examples of permissible terms and conditions.

Coverage provisions. Under 10 U.S.C. 1095, if there are certain types of medical care or certain medical services that are not covered by the third party payer's plan, such services provided by a military treatment facility need not be reimbursed by the third party payer. The third party payer is not required to accord military hospitals more favorable treatment than is provided to all other hospitals under the terms of the third party payer's program or plan. For example, if psychiatric care is excluded from a third party payer's plan, the payer is not required to provide third party payment for psychiatric care provided in a facility of the uniformed services.

Utilization review activities.

Utilization review activities can be more subtle and complicated. An increasingly common feature of health plans is the incorporation of mechanisms, adopted in recognition of concerns regarding both costs and quality of care, to avoid unnecessary services. Such utilization review mechanisms include preadmission screening, concurrent review, second surgical opinions, retrospective review, and other activities. These mechanisms typically include some payment consequences, such as a total or partial denial of a claim, for deviations from the specified requirements.

The statute does not disallow reasonable utilization review activities. The legislative history discussed utilization review activities:

The right to collect could be asserted only to the extent that the benefits were covered by the insurance plan and would be subject to the terms and conditions of the plan * * * [T]o the extent that insurance plans have

conditions that require, for example, pre-admission screening and second opinions before surgery, the Department of Defense would be expected to comply in order to collect under those contracts.

H. Rept. 99-300, page 9.

Based on these points, paragraph 220.4(c)(2) states our interpretation that the statute does not require a third party payer to reimburse facilities of the uniformed services in a manner contrary to the payer's generally applicable utilization review program. It may be that in some cases the military facility will, due to staffing levels, established administrative procedures, provider practices, patient expectations or other reasons, provide health care services without regard to a third party payer's utilization review procedures. In such cases, the payer is allowed to follow the terms of the plan. For example, if a third party payer's plan requires preadmission certification and reduces from 100 percent to 50 percent the amount of charges that will be reimbursed in any case in which a nonemergency admission was not precertified, an admissions to a facility of the uniformed services not precertified may be reimbursed at the reduced 50 percent rate. However, in this example, the request for payment from the facility of the uniformed services may not be reduced to any greater extent than is specified under the generally applicable utilization review program.

Exclusions in Health Maintenance Organization (HMO) plans. Paragraph 220.4(c)(3) lists another example of the general rules regarding permissible terms and conditions: generally applicable restrictions in health maintenance organization plans of nonemergency services provided outside the HMO are permissible. The legislative history of 10 U.S.C. 1095 indicates how this general rule applies in the context of an HMO plan. The House Committee Report states:

* * * [P]rivate insurers would not be liable for services that are not covered by their policies. Similarly, in recognition of the unique nature of health maintenance organizations, collection from a health maintenance organization of the reasonable cost of care provided at military medical facilities would be undertaken only when the care is covered emergency care as defined in the health maintenance organization's contract.

H. Rept. 99-300, page 10.

It is our interpretation of 10 U.S.C. 1095 that it requires payment by HMO plans only to the extent those HMO plans generally cover services (e.g., emergencies) provided by health care

facilities not affiliated with the HMO. A commenter suggested that this proposition be extended to Preferred Provider Organization (PPO) programs on the grounds that PPOs have similar restrictions. It is our view that because there are so many different forms and shapes of PPOs, the rule Congress established for HMOs may not be appropriate in the PPO context. Rather, it appears that the closed, exclusive nature of HMOs was the main characteristic Congress wanted to recognize.

E. Records available (§ 220.05)

In § 220.5, we restate the requirement of 10 U.S.C. 1095(c) that facilities of the uniformed services will make available, upon request, to representatives of third party payers health care records of the patients regarding whose care payment is sought under 10 U.S.C. 1095. The records that will be made available are those necessary to verify that the services were provided and that permissible terms and conditions of the plan were met.

F. Certain payers excluded (§ 220.6)

Section 220.6 identifies certain third party payers that are excused from any obligation under 10 U.S.C. 1095.

1. Medicare and Medicaid

Paragraph 220.6(a) restates the rule of 10 U.S.C. 1095(d), which specifically excludes the Medicare and Medicaid programs from the reach of 10 U.S.C. 1095.

2. Supplemental plans

Paragraph 220.6(b) establishes our interpretation that Medicare and CHAMPUS supplemental insurance programs and income supplemental plans are not covered by 10 U.S.C. 1095. Concerning Medicare supplemental plans, the essential character of these plans is that they are secondary to Medicare. They define themselves and their coverages, limitations, terms and conditions as functions of the underlying Medicare program to which they are supplements. Because Congress specifically excluded Medicare, it is an arguable interpretation of legislative intent that the closely related Medicare supplemental plans should also be determined to be outside Congress' intended reach of 10 U.S.C. 1095.

A clear case can be made that CHAMPUS supplemental policies should be viewed, as is indicated in our current part 220, as beyond the reach of 10 U.S.C. 1095. One of the basic attributes of CHAMPUS is that Congress intended it be in many respects secondary to care in facilities of the

uniformed services. This is indicated, for example by the requirement of 10 U.S.C. 1079(a)(7) that hospital care generally be obtained from facilities of the uniformed services before looking to CHAMPUS. CHAMPUS supplemental policies are, in turn, secondary to CHAMPUS. To hold these CHAMPUS supplemental policies liable for care provided in facilities of the uniformed services would be a fundamental change in the common understanding of the nature of these policies. Thus, paragraph 220.6(b) states our interpretation that CHAMPUS supplemental insurance policies are excluded from 10 U.S.C. 1095.

We are also excluding Medicare supplemental programs. However, we should also note that we believe strong policy arguments can be made in support of collecting from Medicare supplemental insurance plans. These plans stand in very much the same shoes as all third party payers stood prior to enactment of section 1095: The plans enjoy something of a windfall when their insured beneficiaries receive care in a facility of the uniformed services because they avoid paying for care that would be their obligation had the patient received the same care in a civilian hospital. Further, Medicare supplemental insurance policies are different from CHAMPUS supplemental policies in that, whereas facilities of the uniformed services and Medicare are on an equal footing in terms of the beneficiary's entitlement to care, facilities of the uniformed services are, under the law, primary to CHAMPUS. Thus, our exclusion of Medicare supplemental insurance plans from the reach of section 1095 is not because we believe such collections would depart from appropriate government policy, but because of our conclusion that, in view of the ambiguous legislative intent, this would be the less contentious legal interpretation of the current statute. We are, however, now considering whether to suggest to Congress a legislative amendment to section 1095 to cover Medicare supplemental insurance policies. Such a recommendation is included in the upcoming Inspectors General's report.

3. Third party plans prior to April 7, 1986

In enacting 10 U.S.C. 1095, Congress made it applicable "only with respect to an insurance, medical service, or health plan agreement entered into, amended, or renewed on or after the date of enactment" of the statute. Public Law 99-272, section 2001(b). Paragraph 220.6(c) restates this requirement.

G. Remedies (§ 220.7)

Section 220.7 pertains to remedies relating to the right of the United States to collect under 10 U.S.C. 1095. Paragraph 220.7(a) restates the authority of 10 U.S.C. 1095(e)(1) for the United States to institute legal proceedings against a third party payer to enforce a right of the United States. Section 220.7(b) restates the authority of 10 U.S.C. 1095(e)(2) for an authorized representative of the United States to compromise, settle or waive a claim under 10 U.S.C. 1095. Paragraph 220.7(c) states that authorities provided by 32 CFR part 90 regarding collection of indebtedness due the United States shall be available to effect collections pursuant to 10 U.S.C. 1095. These authorities include administrative offset and other means to collect.

H. Reasonable costs (§ 220.8)

Section 220.8 of the rule pertains to the computation of reasonable costs. 10 U.S.C. 1095(f) states that the Department of Defense's regulations "shall provide for the computation of the reasonable cost of inpatient hospital care" and that this computation may be based on per diem rates or other appropriate method.

1. Per diem rates

Paragraph 220.8(a) states that per diem rates will be used. It further states that the per diem rates will be subdivided into three categories: hospital charges, physician charges and ancillary charges. This provision is unchanged from our current instruction.

2. Medical services and subsistence charges included

Another issue that the Inspector General will recommend be clarified relates to the treatment of the relatively nominal medical services charges and subsistence charges which patients in facilities of the uniformed services are required to pay under 10 U.S.C. 1075 and 1078. We provide that clarification in paragraph 220.8(b) by stating that these charges are included in the per diem rate. This means that in cases identified for action to recover under 10 U.S.C. 1095, facilities of the uniformed services will not collect the medical services or subsistence charges from the beneficiary. As a result, third party payers will know that the claim made pursuant to 10 U.S.C. 1095 will (with the exception of Partnership Program cases, discussed below) satisfy all of the third party payer's obligations arising from the inpatient hospital care provided by the facility of the uniformed services on that occasion. This also conforms with the positions reflected in proposed

paragraph 220.2 (c) and (d) and discussed above that payment must be made to the authorized representative of the United States and that no assignment of benefits form is needed.

3. Alternative determination of reasonable costs

Paragraph 220.8(c) implements the direction contained in the Conference Committee report pertaining to the enactment of 10 U.S.C. 1095 that any third party payer that can demonstrate prevailing rates of payment less than those established by the Department of Defense should be able to have the lower rates apply. H. Conf. Rept. 99-453, p. 394.

4. Special rule for former Public Health Service facilities

Paragraph 220.8(d) establishes a special rule for calculating government costs of care provided in the former Public Health Service facilities that are "deemed" to be "facilities of the uniformed services" by section 911 of Public Law 97-99, 42 U.S.C. 248c. Government costs for care provided in these facilities is higher than the rates calculated for care provided in military hospitals. Therefore, a different, higher amount may be billed to the third party payer for this care. There are 10 facilities in the United States that have this special status, although not all of them provide inpatient care covered by this regulation.

5. Special rule for Partnership Program

Paragraph 220.8(e) establishes as an exception to the usual rule that payment of the claim from the facility to the uniformed services will satisfy all of the third party payer's obligations arising from the inpatient care on that occasion. This exception is necessary because in cases covered by the Partnership Program (or similar program under the authority of 10 U.S.C. 1096), the professional services portion of the total inpatient care is not provided by the facility of the uniformed services, but is provided by CHAMPUS. The Partnership Program permits military hospital commanders to allow private sector health care providers who are CHAMPUS authorized to come into the military hospital to provide care to CHAMPUS beneficiaries. In connection with inpatient services, the hospital services and ancillary services are provided by the military hospital, with the physician fee the responsibility of CHAMPUS. Combining the two activities allows the inpatient services to be provided more economically.

Because the professional services in Partnership Program cases are not

provided by the military hospital, charges related to them are not covered by the third party collection program of 10 U.S.C. 1095 and this part. Rather, they are covered by the statutory and regulatory requirements of the CHAMPUS program. These requirements include the rule that CHAMPUS is secondary payer to other insurance and health plans (except Medicare), under 10 U.S.C. 1079(j)(1). Based on these CHAMPUS requirements, in cases (which will be quite infrequent) in which inpatient care provided in a military hospital included professional services provided under the Partnership Program, a third party payer will receive two claims: one from the military hospital, which will exclude the physician fee portion of the per diem rate, and one from the individual health care provider.

I. Rights and obligations of beneficiaries (§ 220.9)

Section 220.9 establishes several rights and obligations of beneficiaries arising from or pertaining to 10 U.S.C. 1095.

1. No additional cost share

Paragraph 220.9(a) implements the requirement of 10 U.S.C. 1095(a)(2) of the statute that the beneficiaries will not be required to pay to the facility of the uniformed services any amount greater than the normal medical services charges (applicable to dependents) or subsistence charges (applicable to retirees). This provision states that in cases in which payment is collected from the third party payer, it will be considered as satisfying the medical services or subsistence charges the beneficiary would be required to pay if no third party payment were made. Thus, no further payment by the beneficiary to the facility of the uniformed services will be required. We are aware that the Department of Defense has authority to require beneficiaries to pay all or some of their normal charges in any case in which the third party payer, because of a deductible or copayment requirement in the plan, pays less than the full amount of the per diem charges. However, because the third party payer collection will almost certainly exceed the normal medical services or subsistence charges and in order to avoid administrative complexity, we feel it preferable to adopt a rule that considers the third party payment as satisfying the normal dependents' medical services charges or retirees' subsistence charges.

2. Availability of hospital care unaffected

Paragraph 220.9(b) states that whether or not a beneficiary is covered by a third party payer's plan will not be considered in a decision on admitting a beneficiary for hospital care in a facility of the uniformed services. Whether or not to admit a beneficiary for hospital care is based on medical need and the availability of needed facilities and personnel at the particular facility; the potential or lack of potential for third party payment is irrelevant to the issue of admission.

3. Obligation to disclose information

Paragraph 220.9(c) states that beneficiaries have an obligation to provide accurate information to the facility of the uniformed services regarding whether the beneficiary is covered by a third party payer plan. We believe such an obligation is fully in keeping with the intent of Congress in 10 U.S.C. 1095 that the United States collect from third party payers the reasonable cost of hospital care provided by facilities of the uniformed services. Because facilities of the uniformed services are dependent upon the information provided by beneficiaries in order to carry out the mandate of 10 U.S.C. 1095, it is imperative that beneficiaries provide accurate information. The paragraph states that intentionally providing false information or other willful failure on the part of a beneficiary to satisfy this obligation is grounds for disqualification for health care services from facilities of the uniformed services.

J. Definitions (§ 220.10)

Section 220.10 defines several key terms used in part 220.

1. Facility of the uniformed services

Paragraph 220.10(a) states that a facility of the uniformed services is any medical or dental treatment facility of the Army, Navy, Air Force, Marine Corps, Coast Guard, the commissioned corps of the National Oceanic and Atmospheric Administration and the commissioned corps of the Public Health Service. Also, by statutory directive, facilities of the uniformed services include each former Public Health Service facility which is "deemed to be a facility of the uniformed services for the purposes of chapter 55 of title 10, United States Code" pursuant to section 911 of Public Law 97-99 (often referred to as "Uniformed Services Treatment Facilities" or "USTFs").

2. Inpatient hospital care

Paragraph 220.10(b) defines inpatient hospital care in the same manner as does our existing regulation.

3. Insurance plan

Paragraph 220.10(c) defines insurance plan in the same manner as does our existing regulation.

4. Medical services or health plan

Paragraph 220.10(d) defines medical service or health plan in the same manner as does our current regulation.

5. Medicare and CHAMPUS supplemental plan

Proposed paragraph 220.10(e) defines a Medicare or CHAMPUS supplemental plan as a plan exclusively for the purpose of supplementing an eligible person's benefit under Medicare or CHAMPUS. This provision also states that no plan provided by an employer to an employee may be a supplemental plan. In response to a public comment, we have clarified that this exclusion applies only to plans provided by an employer to an employee; it does not apply to a plan provided to a former employee. For readers not familiar with CHAMPUS, it is the Civilian Health and Medical Program of the Uniformed Services. The CHAMPUS regulation is at 32 CFR part 199.

6. Third party payer

Paragraph 220.10(f) defines third party payer in the same way as does our current regulation. This definition is consistent with the statutory definition at 10 U.S.C. 1095(g).

7. Third party payer plan

Paragraph 220.10(g) defines a third party payer plan as any insurance or medical service or health plan provided by a third party payer.

8. Uniformed services beneficiary

Paragraph 220.10(h) defines uniformed services beneficiary for purposes of this part as any person who is covered by 10 U.S.C. 1074(b) (retired members), 1076(a) (dependents of active duty members), and 1076(b) (dependent of retired member or survivor). For purposes of this part, a uniformed services beneficiary does not include active duty members of the uniformed services.

III. Regulatory Procedures.

A. Executive Order 12291 and the Regulatory Flexibility Act.

This final rule is not a major rule under Executive Order 12291. It does not have an impact of \$100 million or other significant economic impacts. Similarly,

the rule does not significantly impact a substantial number of small entities within the meaning of the Regulatory Flexibility Act. As noted above, for the most part, this rule provides the Department of Defense's interpretations of current statutory requirements, guidelines for applying the statute and basic procedures for implementation. This rule does not create new regulatory burdens that will have economic impacts of the type covered by these regulatory review authorities.

List of Subjects in 7 CFR Part 220

Claims, Health insurance, Medical records.

For the reasons stated in the preamble, 32 CFR Part 220 is revised to read as follows:

PART 220—COLLECTION FROM THIRD PARTY PAYERS OF REASONABLE HOSPITAL COSTS

Sec.

- 220.1 Purpose and applicability.
- 220.2 Statutory obligation of third party payer to pay.
- 220.3 Exclusions impermissible.
- 220.4 Reasonable terms and conditions of health plan permissible.
- 220.5 Records available.
- 220.6 Certain payers excluded.
- 220.7 Remedies.
- 220.8 Reasonable cost.
- 220.9 Rights and obligations of beneficiaries.
- 220.10 Definitions.

Authority: 10 U.S.C. 1095; 5 U.S.C. section 301.

§ 220.1 Purpose and applicability.

This part implements the provisions of 10 U.S.C. 1095. In general, 10 U.S.C. 1095 establishes the statutory obligation of third party payer health plans to reimburse the United States the reasonable costs of inpatient hospital care provided by facilities of the uniformed services to most uniformed services medical care beneficiaries who are also participants in the third party payer's health plan. This part establishes the Department of Defense interpretations and requirements applicable to all health care services subject to 10 U.S.C. 1095.

§ 220.2 Statutory obligation of third party payer to pay.

(a) *Basic rule.* Pursuant to 10 U.S.C. 1095(a)(1), a third party payer has an obligation to pay the United States the reasonable costs of inpatient hospital care provided in any facility of the uniformed services to a uniformed services beneficiary who is also a beneficiary under the third party payer's plan. The obligation to pay is to the extent that the beneficiary would be

eligible to receive reimbursement or indemnification from the third party payer if the beneficiary were to incur the costs on the beneficiary's own behalf.

(b) *Application of cost shares.* If the third party payer's plan includes a requirement for a deductible or copayment by the beneficiary of the plan, then the amount the United States may collect from the third party payer is the reasonable cost of the care provided less the appropriate deductible or copayment amount.

(c) *Claim from United States exclusive.* The only way for a third party payer to satisfy its obligation under 10 U.S.C. 1095 is to pay the facility of the uniformed service or other authorized representative of the United States. Payment by a third party payer to the beneficiary does not satisfy 10 U.S.C. 1095.

(d) *Assignment of benefits not necessary.* The obligation of the third party payer to pay is not dependent upon the beneficiary executing an assignment of benefits to the United States.

§ 220.3 Exclusions impermissible.

(a) *Statutory requirement.* Under 10 U.S.C. 1095(b), no provision of any third party payer's plan having the effect of excluding from coverage or limiting payment for certain care if that care is provided in a facility of the uniformed services shall operate to prevent collection by the United States.

(b) *General rules.* Based on the statutory requirement, the following are general rules for the administration of 10 U.S.C. 1095 and this part.

(1) Express exclusions of limitations in third party payer plans that are inconsistent with 10 U.S.C. 1095(b) are inoperative.

(2) No objection, precondition or limitation may be asserted that defeats the statutory purpose of collecting from third party payers.

(3) Third party payers may not treat claims arising from services provided in facilities of the uniformed services less favorably than they treat claims arising from services provided in other hospitals.

(4) No objection, precondition or limitation may be asserted that is contrary to the basic nature of facilities of the uniformed services.

(c) *Specific examples of impermissible exclusion.* The following are several specific examples of impermissible exclusions, limitations or preconditions. These examples are not all inclusive.

(1) *Care provided by a government entity.* A provision in a third party payer's plan that purports to disallow or limit payment for services provided by a government entity or paid for by a government program (or similar exclusion) is not a permissible ground for refusing or reducing third party payment.

(2) *No obligation to pay.* A provision in a third party payer's plan that purports to disallow or limit payment for services for which the patient has no obligation to pay (or similar exclusion) is not a permissible ground for refusing or reducing third party payment.

(3) *Exclusion of military beneficiaries.* No provision of an employer sponsored program or plan that purports to make ineligible for coverage individuals who are uniformed services health care beneficiaries shall be permissible.

(4) *No participation agreement.* The lack of a participation agreement or the absence of privity of contract between a third party payer and a facility of the uniformed services is not a permissible ground for refusing or reducing third party payment.

§ 220.4 Reasonable terms and conditions of health plan permissible.

(a) *Statutory requirement.* The statutory obligation of the third party to pay is not unqualified. Under 10 U.S.C. 1095(a)(1) (as noted in § 220.2 of this part), the obligation to pay is to the extent the third party payer would be obliged to pay if the beneficiary incurred the costs personally.

(b) *General rules.* (1) Based on the statutory requirement, after any impermissible exclusions have been made inoperative (see § 220.3 of this part), reasonable terms and conditions of the third party payer's plan that apply generally and uniformly to services provided in facilities other than facilities of the uniformed services may also be applied to services provided in facilities of the uniformed services.

(2) Third party payers are not required to treat claims arising from services provided in facilities of the uniformed services more favorably than they treat claims arising from services provided in other hospitals.

(c) *Specific examples of permissible terms and conditions.* The following are several specific examples of permissible terms and conditions of third party payer plans. These examples are not all inclusive.

(1) *Generally applicable coverage provisions.* Generally applicable provisions regarding particular types of medical care or medical conditions covered by the third party payer's plan

are permissible grounds to refuse or limit third party payment.

(2) *Generally applicable utilization review provisions.* Generally applicable provisions of the third party payer's plan requiring preadmission screening, second surgical opinions, retrospective review or other similar utilization review activities are permissible grounds to refuse or reduce third party payment if such refusal or reduction is required by the third party payer's plan. Such provisions, however, may not be applied in a manner that would result in claims arising from services provided by facilities of the uniformed services being treated less favorably than claims arising from services provided by other hospitals.

(3) *Restrictions in HMO plans.* Generally applicable exclusions in Health Maintenance Organization (HMO) plans of nonemergency services provided outside the HMO (or similar exclusions) are permissible.

§ 220.5 Records available.

Pursuant to 10 U.S.C. 1095(c), facilities of the uniformed services, when requested, shall make available to representatives of any third party payer from which the United States seeks payment under 10 U.S.C. 1095 for inspection and review appropriate health care records (or copies of such records) of individuals for whose care payment is sought. Appropriate records which will be made available are records which document that the services which are the subject of the claims for payment under 10 U.S.C. 1095 were provided as claimed and were provided in a manner consistent with permissible terms and conditions of the third party payer's plan. This is the sole purpose for which patient care records will be made available. Records not needed for this purpose will not be made available.

§ 220.6 Certain payers excluded.

(a) *Medicare and Medicaid.* Under 10 U.S.C. 1095(d), claims for payment from the Medicare or Medicaid programs (titles XVIII and XIX of the Social Security Act) are not authorized.

(b) *Supplemental plans.* Medicare and CHAMPUS (see 32 CFR part 199) supplemental plans and income supplemental plans are excluded from any obligation to pay under 10 U.S.C. 1095.

(c) *Third party payer plans prior to April 7, 1986.* 10 U.S.C. 1095 is not applicable to third party payer plans which have been in continuous effect without amendment or renewal since prior to April 7, 1986. Plans entered into,

amended or renewed on or after April 7, 1986, are subject to 10 U.S.C. 1095.

§ 220.7 Remedies.

(a) Pursuant to 10 U.S.C. 1095(e)(1), the United States may institute and prosecute legal proceedings against a third party payer to enforce a right of the United States under 10 U.S.C. 1095 and this part.

(b) Pursuant to 10 U.S.C. 1095(e)(2), an authorized representative of the United States may compromise, settle or waive a claim of the United States under 10 U.S.C. 1095 and this part.

(c) The authorities provided by 32 CFR part 90 regarding collection of indebtedness due the United States shall also be available to effect collections pursuant to 10 U.S.C. 1095 and this part.

§ 220.8 Reasonable costs.

(a) *Per diem rates.* As authorized by 10 U.S.C. 1095(f)(1), the computation of reasonable costs for purposes of collections under 10 U.S.C. 1095 and this part shall be based on per diem rates. The per diem charge shall be equal to the inpatient full reimbursement rate. Per diem rates shall be updated and published annually. For purposes of billing third party payers, per diem rates shall be subdivided into three categories:

- (1) Hospital charges.
- (2) Physician charges.
- (3) Ancillary charges.

(b) *Medical services and subsistence charges included.* Medical services charges pursuant to 10 U.S.C. 1078 or subsistence charges pursuant to 10 U.S.C. 1075 are included in the claim filed with the third party payer pursuant to 10 U.S.C. 1095. For any patient of a facility of the uniformed services who indicates that he or she is a beneficiary of a third party payer plan, the usual medical services or substance charge will not be collected from the patient. Thus, except in cases covered by § 220.8(d), payment of the claim made pursuant to 10 U.S.C. 1095 will satisfy all of the third party payer's obligation arising from the inpatient hospital care provided by the facility of the uniformed services on that occasion.

(c) *Alternative determination of reasonable costs.* Any third party payer that can satisfactorily demonstrate a prevailing rate of payment in the same geographic area for the same or similar services that is less than the per diem rate of the facility of the uniformed services may, with the agreement of the facility of the uniformed services (or other authorized representatives of the United States), limit payments under 10 U.S.C. 1095 to that prevailing rate. The

determination of the third party payer's prevailing rate shall be based on a review of valid contractual arrangements with other facilities or providers constituting a majority of the services for which payment is made under the third party payer's plan.

(d) *Special rule for former Public Health Service facilities.* In connection with the former Public Health Service facilities described in section 220.10(a), the computation of reasonable costs for purposes of collections under 10 U.S.C. 1095 and this part may differ from such computations under § 220.8(a). Reasonable costs for such facilities shall be based on approximate government costs for similar services under CHAMPUS.

(e) *Special rule for Partnership Program providers.* In cases in which the professional provider services are provided under the Partnership Program (or similar program operated under the authority of 10 U.S.C. 1096), the physician charges component of the total per diem rate will be deleted from the claim from the facility of the uniformed services. The third party payer will receive a claim for professional services directly from the individual health care provider, who is not an employee or agent of the Department of Defense. Such claims are not covered by 10 U.S.C. 1095 or this part, but are governed by statutory and regulatory requirements of the CHAMPUS program (see 32 CFR part 199).

§ 220.9. Rights and obligations of beneficiaries.

(a) *No additional cost share.* Pursuant to 10 U.S.C. 1095(a)(2), uniformed services beneficiaries will not be required to pay to the facility of the uniformed services any amount greater than the normal medical services or subsistence charges (under 10 U.S.C. 1075 or 1078). In every case in which payment from a third party payer is received, it will be considered as satisfying the normal medical services or subsistence charges, and no further payment from the beneficiary will be required.

(b) *Availability of hospital care unaffected.* The availability of health care services in any facility of the uniformed services will not be affected by the participation or nonparticipation of a uniformed services beneficiary in a health care plan of a third party payer. Whether or not a uniformed services beneficiary is covered by a third party payer's plan will not be considered in determining the availability of hospital care in a facility of the uniformed services.

(c) *Obligation to disclose information.* Uniformed services beneficiaries are required to provide correct information to the facility of the uniformed services regarding whether the beneficiary is covered by a third party payer's plan. Intentionally providing false information or otherwise willfully failing to satisfy this obligation are grounds for disqualification for health care services from facilities of the uniformed services.

§ 220.10. Definitions.

(a) *Facility of the uniformed services.* A facility of the uniformed services means any medical or dental treatment facility of the uniformed services (as that term is defined in 10 U.S.C. 101(43)). Facilities of the uniformed services also include the several former Public Health Services facilities that are deemed to be facilities of the uniformed services pursuant to section 911 of Public Law 97-99 (often referred to as "Uniformed Services Treatment Facilities" or "USTFs").

(b) *Inpatient hospital care.* Treatment provided to an individual other than a transient patient, who is admitted (i.e., placed under treatment of observation) to a bed in a facility of the uniformed services that has authorized beds for inpatient medical or dental care.

(c) *Insurance plan.* Any plan or program that is designed to provide compensation or coverage for expenses incurred by a beneficiary for medical services and supplies. It includes plans or programs for which the beneficiary pays a premium to an issuing agent as well as those plans or programs to which the beneficiary is entitled as a result of employment or membership in, or association with, an organization or group.

(d) *Medical service or health plan.* A medical service or health plan is any plan or program of an organized health care group, corporation or other entity for the provision of health care to an individual from plan providers, both professional and institutional. It includes plans or programs for which the beneficiary pays a premium to an issuing agent as well as those plans or programs to which the beneficiary is entitled as a result of employment or membership in, or association with, an organization or group.

(e) *Medicare and CHAMPUS supplemental plan.* A Medicare or CHAMPUS supplemental plan (referred to in paragraph 220.6(b) is an insurance, medical service or health plan exclusively for the purpose of supplementing an eligible person's benefit under Medicare or CHAMPUS. (For information concerning CHAMPUS, see part 199.) No insurance, medical

service or health plan provided by an employer or employer group to an employee may qualify as a Medicare or CHAMPUS supplemental plan.

(f) *Third party payer.* A third party payer is an entity that provides an insurance, medical service or health plan by contract or agreement. It includes state and local governments that provide such plans. It includes insurance underwriters and private employers (or employer groups) offering self-insured or partially self-insured and/or partially underwritten health insurance plans.

(g) *Third party payer plan.* A third party payer plan is any insurance or medical service or health plan provided by a third party payer. It does not include any income supplemental plan.

(h) *Uniformed services beneficiary.* For purposes of this part, a uniformed services beneficiary is any person who is covered by 10 U.S.C. 1074(b), 1076(a), or 1076(b). (Note that for purposes of this part, uniformed services beneficiaries do not include active duty members of the uniformed services.)

Dated: May 22, 1990.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90-12338 Filed 5-25-90; 8:45 am]

BILLING CODE 3910-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3782-6]

Approval and Promulgation of Plans, Illinois; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rulemaking; Notice of Correction.

SUMMARY: This notice corrects a codification error which appeared in a final rulemaking on the approval and promulgation of Implementation plans for Illinois. This final rulemaking was published in the October 17, 1988, Federal Register (53 FR 40415).

EFFECTIVE DATE: This action is effective: May 29, 1990.

FOR FURTHER INFORMATION CONTACT: Randolph O. Cano, (312) 886-6036.

SUPPLEMENTARY INFORMATION: In particular, on page 40426 of the October 17, 1988, Federal Register, in the third column, under "§ 52.726 Control strategy-Ozone" the added paragraph dealing with the part D disapproval of

the plan was incorrectly designated as (c). Instead this paragraph should have been designated as (d). USEPA regrets any inconvenience this error has caused.

In codifying this paragraph in the Code of Federal Regulations (1988) this portion of the plan disapproval was added at (c) in addition to the (c) paragraph (concerning Negative Declarations-Stationary Source Categories) which was already codified there on July 10, 1987 (52 FR 26010). Today, USEPA is correcting this error by changing the codification of paragraph (c) in the October 17, 1988, notice to paragraph (d).

Dated May 18, 1990.

Valdas V. Adamkus,
Regional Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart O—Illinois

Title 40 of the Code of Federal Regulations, chapter I, part 52, is amended as follows:

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

§ 52.726 [Amended]

2. Section 52.726 is amended by redesignating paragraph (c) (which was inadvertently added on October 17, 1988 (53 FR 40426)) as paragraph (d).

[FR Doc. 90-12328 Filed 5-25-90; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-1-FRL-3782-5]

Approval and Promulgation of Air Quality Implementation Plans, West Virginia; Stack Height Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a declaration by the West Virginia Air Pollution Control Commission regarding the need to revise its State Implementation Plan (SIP) emission limitations in response to the federal stack height regulations promulgated on July 8, 1985. West Virginia has declared that the Kammer power plant, owned and operated by Ohio Power, is the only source for which it is necessary to revise the SIP to amend the allowable emission limitations. The intent of this action is to formally codify West Virginia's declaration at 40 CFR part 52, subpart

XX, § 52.2534. This action is being taken in accordance with section 110 of the Clean Air Act.

EFFECTIVE DATE: This action will become effective on June 28, 1990.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at:

Air, Toxics and Radiation Management Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107;

Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC.; and West Virginia Air Pollution Control Commission, 1558 Washington Street, East, Charleston, West Virginia 25311.

FOR FURTHER INFORMATION CONTACT: Denis Lohman at the EPA address cited above or telephone (215) 597-8375; (FTS) 597-8375.

SUPPLEMENTARY INFORMATION: On July 8, 1985, EPA promulgated revisions to the regulations at 40 CFR 51.100 that limit stack height credits and other dispersion techniques (50 FR 27892).

Pursuant to section 406(d)(2) of the Clean Air Act Amendments, Public Law 95-95, all states must (1) review and revise, as necessary, their state implementation plans (SIPs) to include provisions that limit stack height credit and dispersion techniques in accordance with the revised regulations and (2) review all existing SIP emission limits to ascertain whether stack height credits above good engineering practice (GEP) or credit for other dispersion techniques, unacceptable under the revised regulations, were considered in setting any of these SIP limits. For any such SIP limits, states are required to adopt revised SIP limits for the affected sources consistent with the revised stack height regulations.

On April 30, 1988, the West Virginia Air Pollution Control Commission (WVAPCC) submitted an inventory of sources with stacks greater than 65 meters and facilities with allowable emissions of sulfur dioxide (SO₂) greater than 5000 tons per year. Based upon its preliminary review of source operation dates and configurations, the WVAPCC declared that none of the sources in the inventory, with the possible exception of the Kammer plant, were affected by the revised stack height regulations.

On September 16, 1988, the WVAPCC submitted a documentation package with detailed information on 32 stacks and 28 facilities. Supplemental information was submitted on three subsequent dates. On January 23, 1990 (55 FR 2245), EPA published a Notice of

Proposed Rulemaking (NPR) for the State of West Virginia. The NPR proposed approval of the declaration by West Virginia that no SIP emission limits, other than the limit for the Kammer power plant, are required to be revised in response to the revised stack height regulations.

A summary of the information submitted by the WVAPCC was in the NPR. Other specific requirements of the stack height regulation and the rationale for EPA's proposed action were explained in the NPR and will not be restated here. No public comments were received on the NPR. An indepth description of the documentation and EPA's review of the declaration are provided in the Technical Support Document (TSD) prepared by EPA for this action. The TSD is available, upon request, from the EPA Regional Office listed in the Addresses section of this Notice.

Final Action

EPA approves the State of West Virginia's declaration that no existing SIP emission limits, other than those of the Kammer power plant, require revision as a result of the revisions to the federal stack height regulations promulgated on July 8, 1985.

This action is classified as a Table 3 action under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action, approving the stack height declaration by the State of West Virginia, must be filed in the United States Court of Appeals for the appropriate circuit by July 30, 1990. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Intergovernmental relations,

Reporting and recordkeeping requirements, Sulfur oxides.

Dated: May 15, 1990.

Edwin B. Erickson,

Regional Administrator, Region III.

Subpart XX, part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

Subpart XX—West Virginia

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Section 52.2534 is added to 40 CFR chapter I part 52, subpart XX to read as follows:

§ 52.2534 Stack height review.

The State of West Virginia has declared to the satisfaction of EPA that no State Implementation Plan emission limits, other than those for the Kammer power plant, have been affected by stack height credits greater than good engineering practice or any other prohibited dispersion technique as defined in EPA's stack height regulations, as revised on July 8, 1985. This declaration was submitted to EPA on September 16, 1988.

[FR Doc. 90-12329 Filed 5-25-90; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 60

[AD-FRL-3727-4]

Standards of Performance for New Stationary Sources; Amendment to Method 7A for the Determination of Nitrogen Oxide Emissions From Stationary Sources and Technical Correction to Method 16

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action amends Method 7A of appendix A of 40 CFR part 60 by increasing the acid strength of the sample absorbing reagent. The amendment will improve the accuracy and precision of the method. This amendment was proposed in the *Federal Register* on April 24, 1989 (54 FR 16375).

A technical correction to Method 16 of appendix A is also being made in this action. On November 2, 1989 (54 FR 46241), revisions to Methods 15 and 16 were published in the *Federal Register*. The level of instrumental calibration drift was incorrectly listed in the publication and is being corrected here.

EFFECTIVE DATE: May 29, 1990.

Judicial Review. Under section 307(b)(1) of the Clean Air Act, judicial

review of the actions taken by this notice is available only by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this rule. Under section 307(b)(2) of the Clean Air Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

ADDRESSES: Docket. Docket No. A-88-21, containing materials relevant to this rulemaking, is available for public inspection and copying between 8:30 a.m. and 3:30 p.m., Monday through Friday, at EPA's Air Docket Section, Room M-1500, 1st Floor, Waterside Mall, 401 M Street SW., Washington, DC 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Foston Curtis or Roger Shigehara, Emission Measurement Branch (MD-19), Technical Support Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-1063.

SUPPLEMENTARY INFORMATION:

I. The Rulemaking

This rulemaking does not impose emission measurement requirements beyond those specified in the current regulations, nor does it change any emission standard. Rather, the rulemaking would simply amend an existing test method associated with emission measurement requirements that would apply irrespective of this rulemaking.

II. Public Participation

The opportunity to hold a public hearing on May 15, 1989 at 10 a.m. was presented in the proposal notice, but no one desired to make an oral presentation. The public comment period was from April 24, 1989 to July 10, 1989.

III. Significant Comments and Changes to the Proposed Rulemaking

Two comment letters were received from the proposal of the rulemaking. The comments raised in these letters and the Agency's responses follow. One commenter recommended that further evaluation be given to the effects of the increased sulfuric acid concentration on the chromatographic resolution of nitrate and sulfate peaks. The commenter knew of at least one testing situation wherein peak resolution was reduced with the stronger-acid reagent. The commenter recommended that any information showing that the increased

acid strength would not exacerbate separation problems be published in the final rulemaking. The published method should also suggest ways to avoid such problems if peak separation is instrument or column dependent.

Under some instrumental conditions, resolution of nitrate and sulfate peaks may be difficult with the stronger acid reagent. A number of options that are a part of ion chromatography general practice are available to the analyst for eliminating this problem. Peak resolution may be improved by such measures as varying the eluent strength or column flow rate, or choosing a more efficient column. Additional means of effecting this may be obtained from the literature. When using guard columns with the stronger reagent to protect the separation column, the analyst should allow rest periods between injection intervals to purge possible sulfate buildup in the guard column. A note will be added to Method 7A listing these suggestions.

Another commenter requested that provisions be made in the method for sampling at sources having high sulfur dioxide (SO₂) emissions. Negatively biased nitrate results have been reported under such conditions. The commenter's assessment of the problem suggested the cause was related to incomplete oxidation of the nitrogen oxides (NO_x) due to SO₂ depletion of hydrogen peroxide in the absorbing solution. This possibility is mentioned in a similar method by the American Society for Testing and Materials (ASTM) and, for such cases, ASTM recommends the peroxide strength of the absorbing reagent be increased fivefold over the Method 7 strength.

The Agency's evaluation of the peroxide depletion problem indicates that SO₂ begins to interfere with the sample results at approximately 2100 ppm. Increasing the peroxide strength fourfold appears to correct this effect. However, using this increased strength reagent under normal sampling conditions of much lower SO₂ concentrations results in reduced analytical precision. Consequently, additional evaluations of this problem by the Agency are needed before corrective guidance can be issued.

IV. Administrative

The docket is an organized and complete file of all the information considered by EPA in the development of this rulemaking. The docket is a dynamic file, since material is added throughout the rulemaking development. The docketing system is intended to allow members of the public and

industries involved to identify readily and locate documents so that they can effectively participate in the rulemaking process. Along with the statement of basis and purpose of the proposed and promulgated test method revisions and EPA responses to significant comments, the contents of the docket, except for interagency review materials, will serve as the record in case of judicial review (section 307(d)(7)(A)).

Under Executive Order 12291, EPA is required to judge whether a regulation is a "major rule" and, therefore, subject to the requirements of a regulatory impact analysis. The Agency has determined that this regulation would result in none of the adverse economic effects set forth in Section 1 of the Order as grounds for finding a regulation to be a "major rule." The Agency has, therefore, concluded that this regulation is not a "major rule" under Executive Order 12291.

The Regulatory Flexibility Act (RFA) of 1980 requires the identification of potentially adverse impacts of Federal regulations upon small business entities. The Act specifically requires the completion of an RFA analysis in those instances where small business impacts are possible. Because this rulemaking imposes no adverse economic impacts, an analysis has not been conducted.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the

promulgated rule will not have an impact on small entities because no additional costs will be incurred. This rule does not change any information collection requirements subject to OMB under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

List of Subjects in 40 CFR Part 60

Air pollution control, Intergovernmental relations, Electric utility steam generating units, Fossil-fuel fired steam generators, Reporting and recordkeeping requirements, and Incorporation by reference.

Dated: May 21, 1990.

William K. Reilly,
Administrator.

PART 60—[AMENDED]

Appendix A of 40 CFR part 60 is amended as follows:

1. The authority for 40 CFR part 60 continues to read as follows:

Authority: 42 U.S.C. 7401, 7411, 7414, 7416, 7601.

2. In Method 7A, by adding two sentences to the end of section 2.3.4.1 and revising section 3.1 to read as follows:

Method 7A—Determination of Nitrogen Oxide Emissions From Stationary Sources—Ion Chromatographic Method

* * * * *

2. * * *

2.3.4.1 * * * Peak resolution can be optimized by varying the eluent strength or column flow rate, or by experimenting with alternative columns that may offer more efficient separation. When using guard columns with the stronger reagent to protect the separation column, the analyst should allow rest periods between injection intervals to purge possible sulfate buildup in the guard column.

* * * * *

3. * * *

3.1 *Sampling.* An absorbing solution consisting of sulfuric acid (H_2SO_4) and hydrogen peroxide (H_2O_2) is required for sampling. To prepare the absorbing solution, cautiously add 2.8 ml concentrated H_2SO_4 to a 1-liter flask containing water (same as Section 3.2). Add 6 ml of 3 percent H_2O_2 that has been freshly prepared from 30 percent solution. Dilute to volume with water, and mix well. This absorbing solution should be used within 1 week of its preparation. Do not expose to extreme heat or direct sunlight.

Note: Biased testing results have been observed when sampling under conditions of high sulfur dioxide concentrations (above 2000 ppm).

* * * * *

3. In Method 16, by removing "5" in section 4.2 and inserting in its place, "10".

[FR Doc. 90-12330 Filed 5-25-90; 8:45 am]

BILLING CODE 6560-50-M

Proposed Rules

Federal Register

Vol. 55, No. 103

Tuesday, May 29, 1990

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 926

[Docket No. FV-90-168]

Tokay Grapes Grown In San Joaquin County, CA; Proposed Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would authorize expenses and establish an assessment rate under Marketing Order 926 for the 1990-91 fiscal period. Authorization of this budget would allow the Tokay Grape Industry Committee to incur expenses reasonable and necessary to administer the program. Funds for this program would be derived from assessments on handlers.

DATES: Comments must be received by June 8, 1990.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2085-S, Washington, DC 20090-6456. Comments should reference the docket number and the date and page number of this issue of the *Federal Register* and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Kenneth G. Johnson, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525-S, Washington, DC 20090-6456, telephone 202-447-5331.

SUPPLEMENTARY INFORMATION: This rule is proposed under Marketing Agreement No. 93 and Marketing Order No. 926 (7 CFR part 926), regulating the handling of

Tokay grapes grown in San Joaquin County, California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

This rule has been reviewed by the Department in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this proposed rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are 9 handlers of California Tokay grapes regulated under this marketing order, and approximately 380 California Tokay grape producers. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual receipts of less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$3,500,000. The majority of the handlers and producers may be classified as small entities.

The budget of expenses for the 1990-91 fiscal year was prepared by the Tokay Grape Industry Committee (committee), the agency responsible for local administration of the marketing order, and submitted to the Department of Agriculture for approval. The members of the committee are handlers and producers of Tokay grapes. They are familiar with the committee's needs and with the costs for goods, services and personnel in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to

participate and provide input.

The assessment rate recommended by the committee was derived by dividing anticipated expenses by expected shipments of Tokay grapes. Because that rate would be applied to actual shipments, it must be established at a rate which would produce sufficient income to pay the committee's expenses. A recommended budget and rate of assessment is usually acted upon by the committee before the new fiscal year starts, and expenses are incurred on a continuous basis. Therefore, budget and assessment rate approval must be expedited so that the committee will have funds to pay its expenses.

The committee met on May 8, 1990, and unanimously recommended a 1990-91 budget of \$13,535 and an assessment rate of \$0.07 per 23-pound lug. This year's assessment rate is the same as last year's. This year's budget is less than last year's due to a reduction in the expenditures for office supplies. The assessment rate, when applied to anticipated fresh market Tokay grape shipments of 200,000 lugs, would yield \$14,000 in assessment revenue which would be adequate to cover budgeted expenses.

While this proposed action would impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs would be offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action would not have a significant economic impact on a substantial number of small entities.

This action should be expedited because the committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis. The 1990-91 fiscal period began April 1 and the marketing order requires that the rate of assessment for the fiscal year apply to all assessable Tokay grapes handled during the fiscal period. In addition, handlers are aware of this action which was recommended by the committee at a public meeting. Therefore, it is found and determined that a comment period of less than 30 days is appropriate because the budget and assessment rate approval for this program needs to be expedited.

List of Subjects in 7 CFR Part 926

Grapes, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that § 926.229 be amended as follows:

PART 926—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

1. The authority citation for 7 CFR part 926 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. Section 926.229 is added to read as follows:

§ 926.229 Expenses and assessment rate.

Expenses of \$13,535 by the Tokay Grape Industry Committee are authorized and an assessment rate of \$0.07 per 23-pound container of grapes is established for the fiscal period ending March 31, 1991. Unexpended funds may be carried over as a reserve.

Dated: May 23, 1990.

William J. Doyle,

Associate Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90-12314 Filed 5-25-90; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF DEFENSE**Department of the Air Force****32 CFR Part 806b**

[Air Force Reg. 12-35]

Air Force Privacy Act Program

AGENCY: Department of the Air Force, DOD.

ACTION: Proposed exemption rule change. Proposed amendment to an existing specific exemption rule for public comment.

SUMMARY: The Department of the Air Force proposes to amend the name of an existing exempt record system subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a).

DATES: Comments must be received on or before June 28, 1990.

ADDRESSES: Send comments to Mrs. Anne Turner, SAF/AAIA, The Pentagon, Washington, DC 20330-1000. Telephone (202) 697-3491 or Autovon 227-3491.

SUPPLEMENTARY INFORMATION: The Department of the Air Force proposes to amend 32 CFR part 806b by changing the name of an existing exempt record system identified as F168 AF SG B-Child

Advocacy Case Files to F168 AF SG B-Family Advocacy Program Record. The name change will occur when the system is altered under the provisions of 5 U.S.C. 552a(r). The system is being altered to include all family members entitled to care at Air Force medical and dental facilities whose exceptional medical or educational conditions or family maltreatment is brought to the attention of appropriate authorities and all persons suspected of perpetrating maltreatment. There is no change in the system identification number and no change to the exemptions claimed to existing Air Force exemption rules found at 32 CFR 806b.13.

List of Subjects in 32 CFR Part 806b.

Privacy.

Accordingly, the Department of the Air Force proposes to amend 32 CFR Part 806b as follows:

PART 806b—AIR FORCE PRIVACY ACT PROGRAM

1. The authority citation for 32 CFR Part 806b continues to read as follows:

Authority: Pub. L. 93-579, 88 Stat 1896 (5 U.S.C. 552a)

2. Section 806b.13 is proposed to be amended by revising paragraph (b)(6)(iii) as follows:

§ 806b.13 General and specific exemptions.

* * * * *

(b) * * *

(6) *Family Advocacy Program Record (F168 AF SG B).*

* * * * *

(iii) *Reasons.* To encourage those who know of exceptional medical or educational conditions or family maltreatment to come forward by protecting their identities, and the integrity of ongoing and civil law investigations of criminal and civil law violations. Giving subjects access to their files could result in them concealing, altering, or fabricating evidence; could hamper; the identification of offenders and alleged offenders; and could jeopardize the safety and well-being of the family.

* * * * *

Dated: May 22, 1990.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90-12337 Filed 5-25-90; 8:45 a.m.]

BILLING CODE 3810-01-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[A-1-FRL-3782-7]

Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Revised Regulations Controlling Volatile Organic Compound Emissions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve State Implementation Plan (SIP) revisions submitted by the Commonwealth of Massachusetts on August 17, 1989. Final approval of these revisions will be granted by EPA provided that the Massachusetts Department of Environmental Protection (DEP) makes the necessary changes described below. These revisions consist of revised volatile organic compound (VOC) emissions regulations applicable in the entire commonwealth of Massachusetts. The intended effect of this action is the propose approval of corrections for several deficiencies in Massachusetts' Ozone Attainment Plan. This action is being taken under section 110 of the Clean Air Act.

DATES: Comments must be received on or before June 28, 1990. Public Comments on this document are required and will be considered before taking final action on this SIP revision.

ADDRESSES: Comments may be mailed to Louis F. Gitto, Director, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, room 2313, JFK Federal Bldg. Boston, MA 02203. Copies of the State submittal and EPA's technical support document are available for public inspection during normal business hours at the Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, room 2313, JFK Federal Bldg., Boston, MA 02203 and the Division of Air Quality Control, Department of Environmental Protection, One Winter Street, 8th Floor, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT: Emanuel Souza, Jr., (617) 565-3246; FTS 835-3246.

SUPPLEMENTARY INFORMATION: On August 17, 1989, the Massachusetts DEP submitted revisions to its SIP for its Ozone Attainment Plan. The revisions consist of revised VOC emissions regulations.

Background

On November 24, 1987, EPA proposed a new policy on how EPA and the States should address the failure of many areas to attain the National Ambient Air Quality Standards (NAAQS) for ozone and carbon monoxide (CO), two major contributors to urban air pollution. On May 3, 1988, EPA released the latest data on the degree to which areas throughout the nation have attained these standards. The data indicated that the entire Commonwealth of Massachusetts failed to attain the ozone standard despite the passage of the December 31, 1987 attainment date in the Clean Air Act.

On May 25, 1988, EPA sent a letter to Michael R. Dukakis, Governor of Massachusetts, pursuant to section 110(a)(2)(H) of the Clean Air Act as amended notifying him that the Massachusetts SIP was substantially inadequate to achieve the NAAQS for ozone in the entire State. EPA required that the Commonwealth respond to the SIP call in two phases. The first phase includes correcting deficiencies and inconsistencies in existing VOC regulations, adopting VOC regulations previously required or committed to but never adopted, and updating the base year emission inventory for those areas identified as nonattainment. The second phase of the response will follow promulgation of EPA's final policy on post-1987 ozone and CO nonattainment.

On June 16, 1988, EPA sent a letter to the Acting Director of the Department of Environmental Quality Engineering's (now the DEP) Division of Air Quality Control identifying the necessary corrections in the existing regulations for the control of VOC emissions. The corrections included the following modifications to Massachusetts' regulations: A change in the definition of VOC, a reduction in the applicability cutoff for several source categories, recordkeeping requirements and some wording changes which include the addition of new definitions to the regulations.

Content of Revised Regulations

Massachusetts DEP made the following changes to the VOC regulations:

1. Changes were made to 53 definitions in 310 CMR 7.00 to improve the clarity of the State's VOC regulations and to make the definitions consistent with EPA's national guidance.

2. The regulation 310 CMR 7.02(12) for Organic Material was moved and recodified to 310 CMR 7.24 Organic Material Storage and Distribution. The following modifications were made to

310 CMR 7.24 to make it consistent with EPA's national guidance:

a. A requirement was added for a submerged fill pipe. The phrase "which shall attain a minimum of 90% capture of total emissions as determined by the Department," was deleted from section (1)(a) because it was not an enforceable requirement and it was not required by the applicable Control Techniques Guideline (CTG) document.

b. The capacity of 420,000 gallons as applied to petroleum liquid storage vessels was corrected to 416,000 gallons in section (1)(a)5.

c. The reference to NSPS 40 CFR 60.505 was corrected in section (1)(a)5(ii).

d. The tank truck regulation was changed to require organic material to be loaded into tank trucks meeting the tank truck regulations. Other storage and use requirements were added as well, such as not allowing organic materials to be spilled, discarded in sewers, stored in open containers, or splash filled into tanks or tank trucks.

3. The following changes were made to 310 CMR 7.18(1) entitled "Applicability and Handling Requirements" for volatile organic compounds:

a. The applicability section, (1)(a), was changed to include persons who own, lease, operate or control any facility which emits VOCs.

b. A change was made describing proper handling and disposal of VOC in section (1)(c).

c. A change was made to section (1)(d) to add a requirement that once a source is subject to regulation 310 CMR 7.18, Volatile and Halogenated Organic Compounds, it will always be subject even if its emissions drop below the applicability cutoff.

d. In section (1)(e), an addition was made to allow sources never regulated before to achieve compliance by August 15, 1990.

4. An addition was made to 310 CMR 7.18(2) entitled "Compliance with Emission Limitations," to add that all sources must maintain continuous compliance. This regulation was also amended by the addition of a 60 minute bake time at 100 °C plus or minus 5 °C for EPA reference method 24.

5. Another change was made to 310 CMR 7.18(2) to specify that any person regulated under paper surface coating, fabric surface coating, or vinyl surface coating, who cannot comply with the regulation's emission limitations, may apply for an alternative reasonable available control technology (RACT) determination. The regulation states that EPA approval as a SIP revision is required.

6. A change to lower the applicability to 15 pounds of VOC per day was made in the following sections of 310 CMR 7.18: Metal furniture surface coating, metal can surface coating, large appliance surface coating, magnet wire insulation surface coating, metal coil coating, paper surface coating, fabric surface coating, vinyl surface coating, and polystyrene resin manufacturers.

7. Units of the emission limits were changed from pounds of VOC per gallon of coating (minus water) to equivalent units of pounds of VOC per gallon of solids applied in the following sections: Metal furniture surface coating, metal can surface coating, large appliance surface coating, magnet wire insulation surface coating, metal coil coating, surface coating of miscellaneous metal parts and products, paper surface coating, fabric surface coating, and vinyl surface coating. The regulation also states that demonstrations of compliance shall not include any considerations of transfer efficiency. Therefore, the emission limitations are at application.

8. Daily record keeping requirements were added to the following sections of 310 CMR 7.18: Metal furniture surface coating, metal can surface coating, large appliance surface coating, magnet wire insulation surface coating, solvent metal degreasing, metal coil coating, surface coating of miscellaneous metal parts and products, graphic arts, dry cleaning systems-perchloroethylene, paper surface coating, fabric surface coating, vinyl surface coating, reasonable available control technology and polystyrene resin manufacture.

9. The following changes were made to 310 CMR 7.18(8) of the solvent metal degreasing regulation:

a. Operational procedures were added to minimize evaporative emissions and to prohibit spills.

b. Language was added which requires instantaneous and continuous compliance.

c. Testing and compliance demonstration requirements were added. The testing shall be conducted with a method approved by the Department and EPA.

10. Section 310 CMR 7.18(9) was changed so that cutback asphalt used as a penetrating prime coat will not be regulated as cutback asphalt. Storage and stockpiling of patching mixes used in pavement maintenance for a time greater than 1 month are also exempt. Two sections of the regulation that are no longer necessary were deleted.

11. An addition was made to section 310 CMR 7.18(9)(e) of the cutback asphalt regulation to demonstrate

compliance at the request of the Department through the use of ASTM test method D-244.

12. A change was made in 310 CMR 7.18(12) to subject all graphic arts sources with the "potential to emit more than 100 tons per year" to the regulation.

13. A change was made in 310 CMR 7.18(13) for dry cleaning systems using perchloroethylene to determine compliance with methods identified in the EPA publication entitled "*Control Techniques Guideline for Control of Volatile Organic Emissions from Perchloroethylene Dry Cleaning Systems*" (EPA 450/2-78-050) or any other method approved by the Department and EPA.

14. 310 CMR 7.18(17) was clarified so that all facilities not presently regulated by other sections of 310 CMR 7.18 and which have the potential to emit 100 tons per year of VOC are subject to this regulation.

15. A change was made in 310 CMR 7.18(18) for polystyrene resin manufacture to require that testing be conducted in accordance with EPA reference methods 2 and 25 as described in 40 CFR part 60, or by other methods approved by the Department and EPA.

16. Changes were made in 310 CMR 7.00 appendix B, "Alternative Emission Limitations (Bubble) for Volatile Organic Compounds", to sections (2)(b) and (7). Section (2)(b) was changed so that each bubble plan shall demonstrate that the mix of applicable emission limitations will be achieved over a 24 hour averaging period as prescribed by 310 CMR 7.18(2)(b). A new requirement was added to section (7) which states that the Department will not issue any new approvals for alternative emission limitations to any facility that did not apply in writing for approval prior to May 25, 1988 until this portion of the regulation is amended to be consistent with the National Emissions Trading Policy issued December 4, 1986 (51 FR 43814), and approved into the SIP by EPA.

For further details on these changes, please refer to the Technical Support Document prepared for this revision and the Massachusetts submittal which may be obtained from the EPA Regional Office listed in the ADDRESSES section of this notice.

Amendments Necessary Prior to Final Rulemaking

Portions of the SIP submittal described above are consistent with EPA's national guidance with the exception of the issues discussed below. The following portions of the submittal are not consistent with EPA's national

guidance and must be resolved before EPA can take final action on this SIP.

1. The temperature that a refrigerated chiller must be capable of achieving at a degreaser's centroid should be based on the boiling point of the degreasing solvent in degrees Fahrenheit. Therefore, the DEP must change this definition to read " * * * 30 percent of the solvent's boiling point ("° F)."

2. The typographical error for HFC-134a must be corrected in the definition of "Volatile Organic Compound."

3. The reference to xx.9720 in 310 CMR 7.24(1)(a)5 must be deleted.

4. The "once in, always in" language must be added to section 310 CMR 7.24 for the organic material storage and distribution regulation. This language requires that once an organic material storage and distribution source exceeds the applicability cutoff in the regulation, it must always meet the emissions limitations in that regulation.

5. An addition must be made to regulation 310 CMR 7.18(2)(c) stating that sources will remain subject to the underlying SIP until EPA approves an alternative RACT for that source.

6. Monitoring requirements must be included for add-on devices for regulation 310 CMR 7.18 in the following sections: Metal furniture surface coating, metal can surface coating, large appliance surface coating, magnet wire insulation surface coating, metal coil coating, surface coating of miscellaneous metal parts and products, graphic arts, paper surface coating, fabric surface coating, vinyl surface coating, and reasonable available control technology. These monitoring requirements are the following:

(a) For thermal incinerators, monitor the exhaust gas temperature (° F).

(b) for catalytic incinerators, monitor the exhaust gas temperature (° F), the temperature rise across catalyst bed (° F), and record the date of the last change of the catalyst bed.

(c) For condenser or refrigeration systems, monitor the inlet temperature of the cooling medium (° F). And the exhaust gas temperature (° F).

(d) For carbon adsorbers, monitor the pressure drop across the adsorber and monitor continuously the VOC concentration at the outlet which is needed to determine breakthrough.

7. The applicability cutoff of 310 CMR 7.18(11)(a) for surface coating of miscellaneous metal parts and products must be lowered to 15 pounds of VOC per day actual emissions before add-on control or Massachusetts must adopt an alternative approach that is shown to produce enforceable, equivalent reductions in VOC emissions.

8. The submittal of the DEP's definition of halogenated organic compounds (HOC) must be deleted.

9. The typographical error in regulation 310 CMR 7.18(12) for Graphic Arts must be changed so that section (a)(3)(d) refers to 310 CMR 7.18(12)(a)(3)(a), (a)(3)(b), and (a)(3)(c). Additionally, EPA interprets 310 CMR 7.18(12)(1)(3)(d) to require that those sources affected by 7.18(12)(a)(3)(a), (a)(3)(b), or (a)(3)(c) are all required to meet the overall control efficiency requirements of 7.18(12)(1)(3)(d).

10. Language must be added to the following regulations so that the applicability cutoff is "15 pounds of VOC per day actual emissions before add-on control": Metal furniture surface coating, metal can surface coating, large appliance surface coating, magnet wire insulation surface coating, metal coil coating, paper surface coating, fabric surface coating, vinyl surface coating, and polystyrene resin manufacturers.

Revisions made to 310 CMR 7.18(8) for solvent metal degreasing do not address all of the deficiencies EPA identified in its SIP call. Additionally, changes must be made to the gasoline marketing portion of the Massachusetts regulations to address the changes EPA requested in the SIP call. Massachusetts is aware of the deficiencies in these two regulations and intends to revise these regulations and submit them to EPA in a subsequent submittal. EPA will take action on these changes when they are submitted for rulemaking. For these reasons, these changes which EPA is proposing to approve today do not completely respond to the SIP call. A complete response correcting the identified regulatory deficiencies of the SIP call is dependent upon the submission of revised solvent metal degreasing and gasoline marketing regulations and the corrections which are detailed in this notice.

EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the ADDRESSES section of this notice.

Proposed Action

For the reasons described here and in the Technical Support Document, EPA proposes to approve the additions made to the Massachusetts VOC regulations. Final approval of these revisions will be granted by EPA provided that the

necessary changes described in this notice are made to these regulations.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the *Federal Register* on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

The Administrator's decision to approve or disapprove the SIP revision will be based on whether it meets the requirements of section 110(a)(2)(A)-(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulation in 40 CFR part 51.

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401-7642.

Dated: May 17, 1990.

Julie Belaga,

Regional Administrator, Region I.

[FR Doc. 90-12332 Filed 5-25-90; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF DEFENSE

48 CFR Parts 232 and 252

Department of Defense Federal Acquisition Regulation Supplement; Customary Flexible Progress Payments

AGENCY: Department of Defense (DOD).

ACTION: Proposed rule and request for comments.

SUMMARY: The Defense Acquisition Regulatory (DAR) Council is proposing changes to the DoD FAR Supplement to amend 232.502-1 (S-71) and the clause at 252.232-7004 to provide a remedy for contractor submission of inaccurate, incomplete, or noncurrent data used in

determining the flexible progress payment rate. The text and clause have also been rewritten to restate existing policy in clearer form and language.

DATES: Comments on the proposed rule should be submitted in writing at the address shown below on or before June 28, 1990, to be considered in the formulation of the final rule. Please cite DAR Case 90-007 in all correspondence related to this issue.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulatory Council, ATTN: Mr. Eric Mens, Procurement Analyst, DAR Council, ODASD(P)/DARS, c/o OUSD(A)(M&RS) Room 3D139, The Pentagon, Washington, DC 20301-3062.

FOR FURTHER INFORMATION CONTACT: Mr. Eric Mens, Procurement Analyst, DAR Council, (202) 697-7266.

SUPPLEMENTARY INFORMATION:

A. Background

Flexible progress payments are available to contractors meeting criteria established in DFARS 232.502-1 (S-71). In order to determine the flexible progress payment rate on a contract, the contractor must provide cash flow information necessary to run the DoD Cash Flow Computer Model. DoD is entitled to redetermine the flexible progress payment lag times when significant contractual changes occur or when progress payment lag times change substantially. No remedy currently exists if a contractor provides inaccurate, incomplete, or noncurrent factual data to establish the flexible progress payment rate. The proposed revisions enable the contracting officer to reduce the flexible progress payment rate and recover interest on overpayments if the contractor provided defective factual data.

The proposed revisions also eliminate reference to the COPPER IMPACT time sharing computer network, as DoD expects to have a PC-compatible microcomputer version of the Cash Flow Computer Model available shortly. Other changes in the text and clause are intended to clarify existing policy and procedures.

B. Regulatory Flexibility Act

An initial Regulatory Flexibility Analysis has not been performed because the proposed rule will not have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. because flexible progress payments do not apply to small entities. Small entities are under a separate, more favorable progress payment policy. Comments from small

entities concerning the affected DFARS Subpart will also be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite DAR Case 90-610 in all correspondence.

C. Paperwork Reduction Act

The proposed rule does not impose any reporting or recordkeeping requirements which require the approval of OMB under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR Parts 232 and 252

Government procurement.

Linda E. Greene,

Deputy Director, Defense Acquisition Regulatory System.

Therefore, it is proposed that 48 CFR parts 232 and 252 be amended as follows:

1. The authority citation for 48 CFR parts 232 and 252 continues to read as follows:

Authority: 5 U.S.C. 301, 10 U.S.C. 2202, DoD Directive 5000.35, DoD FAR Supplement 201.301.

PART 232—CONTRACT FINANCING

2. Section 232.502-1 is amended by revising paragraph (S-71) to read as follows:

232.502-1 Use of customary progress payments.

* * * * *

(S-71) *Customary flexible progress payments.* (1) Progress payments assist in financing a contractor's performance and reduce the contractor's investment in its work in process inventory. In addition to progress payments, a number of factors influence the actual investment held by a contractor in work in process inventory such as delivery schedules, cash management practices, and Government payment practices. Progress payment amounts that are determined by using uniform, customary progress payment rates are insensitive to these other factors influencing investment and consequently, result in investments by contractors in work in process inventory that vary among contractors and across contracts. On the other hand, flexible progress payment rates (expressed as a percentage that will be applied to costs to determine the amount payable as a progress payment in the same manner as uniform, customary progress payment rates) are designed to tailor more closely the progress payment rate to the cash needs for financing contract performance.

(2)(i) For flexible progress payments, cash needs are measured and projected

in relation to investment underlying the work in process inventory over the life of the contract. Total investment is measured by a weighted average of total costs paid by the contractor to complete performance of the contract. The contractor's investment is the weighted average of the amount not paid by the Government. The Department of Defense (DoD), as a matter of policy, has concluded that a contractor should retain a minimum investment level, based on the uniform, customary progress payment rate and its related investment percentage, in work in process inventory over the life of the contract. Accordingly, DoD will make progress payments at a rate (expressed as a whole number) that is the highest rate which yields a corresponding investment by the contractor in work in process inventory of not less than the minimum investment percentage. The flexible progress payment rate is to be determined by the DoD Cash Flow Computer Model. The flexible progress payment rate shall not be greater than 100%, or less than the uniform, customary progress payment rate that would have been applied to the contract absent flexible progress payments.

(ii) Uniform, customary progress payment rates, the appropriate minimum contractor investment percentages, and the applicable version of the DoD Cash Flow Computer Model are as follows:

Date of contract award	Uniform rate	Investment percentage	Cash flow model
Prior to May 1, 1985.....	90%	5%	CASHII
May 1, 1985 to Oct. 16, 1986.....	80%	15%	CASH-III
Oct. 19, 1986 to Oct. 1, 1988.....	75%	25%	CASHIV
After Oct. 1, 1988.....	80%	20%	CASHV

(iii) For contracts funded with FY 87 appropriations, a contractor must retain at least a 25% investment in work in process inventory over the life of the contract.

(3) Contracting officers shall use a flexible progress payment rate in lieu of the uniform, customary rate if:

(i) The contractor requests the use of flexible progress payments rates,

(ii) The contractor agrees to the requirements of this paragraph (S-71), and

(iii) The criteria in paragraph (S-71) (5) of this section are met.

(4) Prior to contract award, the contracting officer shall determine the flexible progress payment rate by applying the appropriate version of the DoD Cash Flow Computer Model. For contracts funded with FY 87 appropriations, Cash Flow Model

"CASHIV" shall be used. The model takes into account key cash flow factors, such as contract cost profile, delivery schedules, subcontractor progress payments, liquidation rates, and payment/reimbursement cycles.

(5) Contractors who submit certified cost or pricing data, as defined in FAR 15.804-2, for negotiated fixed-price contracts in excess of \$1 million may request flexible progress payments. Sealed bid contracts are not eligible for flexible progress payments. Flexible progress payments are not available for contracts awarded and performed entirely outside of the United States, its possessions and territories.

(6)(i) Contractors shall furnish to the contracting officer cash flow data in the form and context specified for use in the DoD Cash Flow Computer Model. This data includes: actual and projected incurred cost broken down by element of cost any by month for the duration of the contract, float times for each element of cost, dates and lag times of actual and projected progress payment receipts and delivery payment receipts, and associated contract price and profit percentage.

(ii) Contracting officers shall verify the cash flow data in accordance with procedures normally used to verify contractor cost or pricing data, and establish the flexible progress payment rate during the negotiation of the contract price.

(iii) The flexible progress payment clause provides for reduction of the flexible progress payment rate and payment of interest if any flexible progress payment rate is later determined to be overstated because any factual data submitted in support of the rate computation were not current, accurate, and complete at the time the flexible progress payment rate was established. The interest charge shall be assessed on the amount of overpayment resulting from facts that were not current, accurate, or complete, whether or not the overpayment has been liquidated. Interest is calculated from the date of overpayment to the date of liquidation of the overpayment. In determining the amount of interest the contracting officer may determine an average overpayment amount and duration as the basis for the interest computation. Interest rates change periodically; therefore, average amounts and durations must be calculated separately for each interest period that has a different interest rate.

(iv) Administrative contracting officers (ACO's) are encouraged to establish advance agreements at contractor locations for float and payment lag times which are common to

several contracts. Float and lag times may vary significantly from one contract to another due to variances in efficiency at different payment offices or due to differing procedures for high dollar-value contracts versus low dollar-value contracts, etc. Therefore, it may be appropriate to establish advance agreements on several different float and lag profiles to suit different contract situations.

(7)(i) The flexible progress payments clause provides for redetermination of the flexible progress payment rate whenever the computed investment percentage is more than two points above or below the specified minimum investment. When such a redetermination is made, the new flexible progress payment rate shall be applied to the next contractor progress payment request, and the unliquidated progress payment balance will be adjusted accordingly.

(ii) Either the Government or the contractor can request a rate review at any time, to determine whether, based upon the most recent data, the computed investment percentage is outside the investment tolerance in paragraph (S-71)(7)(i) of this section. The ACO shall perform a rate review whenever there has been a significant change in any of the major factors affecting the flexible rate. These factors are: the float or lag factors, the delivery schedules, or the addition of substantial new work to the contract. The ACO shall document whether the above factors have significantly changed in each periodic progress payment review required by FAR 32.503-5. For contracts funded with FY87 appropriations, the investment range is 23% to 27% with a target investment of 25%.

(8) Subcontractors who request a flexible progress payment rate, meet the criteria in paragraph (S-71)(5) of this section, and agree to the requirement of this section are to receive a flexible progress payment rate. The subcontractor flexible progress payment rate will be determined by the prime contractor without regard to the progress payment rate in the prime contract. The prime contractor will use the DoD Cash Flow Computer Model and associated procedures and will conduct a reasonable review of the subcontractor's cash flow data.

(9) When flexible progress payments are contemplated for use on a definitive contract superseding a letter contract or an unpriced BOA order, the applicable uniform customary progress payment rate shall be used until definitization.

PART 252—CONTRACT CLAUSES AND SOLICITATION PROVISIONS

3. Section 252.232-7004 is revised to read as follows:

252.232-7004 Flexible progress payments.

As prescribed at 232.502-1(S-71), insert the following clause:

Flexible Progress Payments (XXX 1990)

(a) This contract is subject to flexible progress payment procedures as set forth in this clause and the Defense Federal Acquisition Regulation Supplement (DFARS) 232.502-1(S-71). The progress payment rate of this contract is _____ percent (____%), and this percentage applies in lieu of the uniform, customary progress payment rate and liquidation rate of the "Progress Payment" clause. The progress payment rate of this contract was determined by the DoD Cash Flow Computer Model, name (dated _____), using _____ percent (____%) as the minimum rate for the Contractor's investment (as a weighted average of costs) in its work in process inventory over the life of the contract.

(b) If actual and projected cash flow data generated during performance of this contract reveal that the progress payment rate will result in an investment in work in process inventory by the Contractor in excess of two percentage points higher or two percentage points lower than the minimum investment percentage specified in paragraph (a), the progress payment rate shall be redetermined by using the DoD Cash Flow Computer Model. Unless it contained an error, the version of the DoD Cash Flow Computer Model specified in paragraph (a) shall be used for any redetermination permitted by this clause. The progress payment rate shall not be less than the uniform, customary progress rate that would have applied to this contract absent flexible progress payment procedures, and the progress payment rate shall not be greater than one hundred percent (100%).

(c) If at any time the flexible progress payment rate is determined to be overstated because any data submitted by the contractor in support of the rate computation were not current, accurate, and complete at the time the flexible progress payment rate was established, the progress payment rate shall be reduced to the rate that should have been calculated using the model specified in paragraph (a). The contractor shall pay interest in accordance with paragraph (d), on resulting overpayments, computed from the date of payment by the Government, to the date of liquidation of the overpayment. Payment of any unliquidated overpayment and interest shall be due 30 days after the date of the first written demand for payment.

(d) Interest shall be simple interest at the rate established by the Secretary of the Treasury as provided in section 12 of the Contract Disputes Act of 1978 (Public Law 95-563), which is applicable at the time the Government made the overpayment, and then at the rate applicable for each six-month period as fixed by the Secretary, until the overpayment is liquidated.

(e) Flexible progress payment terms will be accorded to subcontractors in accordance

with paragraph (j) (Progress Payments to Subcontractors) of the Progress Payments clause of this contract, and the standards for use of flexible progress payments in DFARS 232.502-1 (S-71).

(End of clause)

[FR Doc. 90-12212 Filed 5-25-90; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AB42

Endangered and Threatened Wildlife and Plants; Proposed Rule to List the plant *Phlox Nivalis* ssp. *Texensis* (Texas Trailing Phlox) as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service (Service) proposes to list *Phlox nivalis* ssp. *texensis* as an endangered species under the authority of the Endangered Species Act of 1973 (Act), as amended. This plant presently is known from only 2 sites in east Texas, out of 17 sites that were known previously. The species is threatened by habitat loss from housing development, clearing for pine plantations, highway and pipeline construction, and fire suppression. This proposal, if made final, would implement Federal protection provided by the Act for Texas trailing phlox.

The Service seeks data and comments from the public on this proposal.

DATES: Comments from all interested parties must be received by July 30, 1990. Public hearing requests must be received by July 16, 1990.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, Ecological Services Field Office, U.S. Fish and Wildlife Service, c/o Corpus Christi State University, Campus Box 338, 6300 Ocean Drive, Corpus Christi, Texas 78412. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Phillip Clayton (See **ADDRESSES**) at (512) 888-3346 or FTS 529-3346.

SUPPLEMENTARY INFORMATION:

Background

Phlox nivalis ssp. *Texensis* is a trailing phlox that is known from only two sites in east Texas. The species is endemic to the Big Ticket Forest of

Texas, which includes *Fagus grandiflora* (American beech), *Quercus* spp. (oak), *Magnolia* spp. (magnolia), *Pinus* spp. (pine), and *Liquidambar styraciflua* (American sweetgum). Soils are sandy loam to deep sand. *Phlox nivalis* ssp. *texensis* historically occurred in open, grassy, frequently burned, longleaf pine (*Pinus palustris*) savanna in sandy soil, and in association with *Bothriochloa* sp., *Carya* spp. (hickory), and *Ilex vomitoria* (yaupon) (Mahler 1980, Poole *in litt.*).

Phlox nivalis ssp. *Texensis* is a short (30 cm.; 12 in.) clump-forming, perennial species with spreading, evergreen shoots. Sterile shoots have crowded, subulate and needle-like leaves; fertile shoots have short, lanceolate leaves. The flowers occur in a three-to-six flowered cyme; herbage is pubescent with gland-tipped hairs. Flowers are purple-lavender, deep rose, pink, or white, and appear from late March to early April. Fruit is a trilocular capsule and contains one seed per locule. The reproductive biology of the species is unknown.

Historically, *Phlox nivalis* ssp. *texensis* was known from Hardin, Tyler, and Polk Counties in east Texas. Seven collection localities were documented in the 1940's in Tyler County, five of which were sites of multiple collections. Lundell (1942) stated that the species " * * * is abundant in the pine lands * * * between Woodville and Warren in Tyler County." Populations previously documented from the Big Thicket National Preserve in 1948 were not seen again until relocated by Geyata Ajilvsgi in 1972 (Mahler 1980).

Mahler (1980) documented five sites in Hardin and Tyler Counties during his status survey. Three groups of plants, each comprising only a few clumps, were located within a short distance of each other in Tyler County. In Hardin County, two sites on and near Texas Nature Conservancy (TNC) land supported *Phlox nivalis* ssp. *texensis*. The populations in Polk County were not located during the status survey (Mahler 1980).

Field work by a Texas Natural Heritage Program botanist in 1989 located only 2 extant sites out of 17 in the Heritage Program data base. The largest population occurs on TNC land in Hardin County, where a few hundred plants are scattered across a former slashpine plantation in a sandy soil, fire-maintained pine savanna. A small population of only six clumps of flowering plants occurs at the edge of a pine plantation in Tyler County (Poole, *in litt.*).

Texas trailing phlox was first collected in Hardin County, Texas, by Whitehouse in 1931. In 1942, Lundell described the taxon as a subspecies of *Phlox nivalis*. He then elevated it to the rank of species in 1945. Wherry, in his 1955 monograph on *Phlox* and his treatment of the genus in the *Flora of Texas* (1966), recognized the taxon as a subspecies of *Phlox nivalis* (Mahler 1980). The taxon is disjunct from the other subspecies that occurs about 400 miles eastward in Florida; this marked disjunction is a primary factor in the subspecific segregation (Wherry 1966). The extremely small gland-tipped hairs of *P. nivalis* ssp. *texensis* are a differentiating character (Wheeler 1955). The subspecies may be identified by the pronounced sinus of the corolla lobes. In the typical form of the species, the lobes have an irregularly notched edge or are inconspicuously emarginate (Lundell 1942).

Section 12 of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) directed the Secretary of the Smithsonian Institution to prepare a report of those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94-51, was presented to Congress on January 9, 1975. On July 1, 1975, the Service published a notice in the *Federal Register* (40 FR 27823) of its acceptance of the report of the Smithsonian Institution as a petition within the context of section 4 of the Act and of its intention to review the status of the plant taxa named within. On June 16, 1976, the Service published a proposed rule in the *Federal Register* (41 FR 24523) to determine approximately 1,700 vascular plant species to be endangered species pursuant to section 4 of the Act.

This list of 1,700 plant taxa was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94-51 and the July 1, 1975, *Federal Register* publication. *Phlox nivalis* ssp. *texensis* was included in the July 1, 1975, notice of review and in the June 16, 1976, proposal.

The Endangered Species Act Amendments of 1978 required that all proposals over two years old be withdrawn. A one-year grace period was given to those proposals already more than 2 years old. Subsequently, on December 10, 1979, [44 FR 70796], the Service published a notice of the withdrawal of the portion of the June 16, 1976, proposal that had not been made final, along with other proposals that had expired; this notice of withdrawal included *Phlox nivalis* ssp. *texensis*.

On December 15, 1980, [45 FR 82480] and September 27, 1985, [50 FR 39526], the Service published updated notices reviewing the native plants being considered for classification as threatened or endangered. *Phlox nivalis* ssp. *texensis* was included in these notices as a category 1 species.

Category 1 comprises taxa for which the Service has sufficient biological data to support proposing them as endangered or threatened.

Section 4(b)(3)(B) of the Endangered Species Act, as amended in 1982, requires the Secretary to make findings on certain pending petitions within one year of their receipt. Section 2(b)(1) of the Act's Amendments of 1982 further requires that all petitions pending on October 12, 1982, be treated as having been newly submitted on that date. Because *Phlox nivalis* ssp. *texensis* was included in the 1980 notice, the petition to list this species was treated as being newly submitted on October 12, 1982. In 1983, 1984, 1985, 1986, 1987, 1988, and 1989, the Service made the required one-year findings that listing of *Phlox nivalis* ssp. *texensis* was warranted, but precluded by other listing actions of higher priority. Biological data, supplied by Mahler (1980), and Poole (*in litt.*), full support listing of *Phlox nivalis* ssp. *texensis*. This proposed rule constitutes the final one-year finding required by section 4(b)(3)(B) of the Act for this species.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Phlox nivalis* ssp. *texensis* Lundell (Texas trailing phlox) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Loss of habitat has caused this subspecies to decline within its range during the last 30 years. Because of the small number of plants within a small number of populations in only two general localities, the taxon is vulnerable to further loss of habitat (Mahler 1980). Housing development and large scale land clearing for pine plantations in Tyler County, Texas, have eliminated former populations of Texas trailing phlox. Pipeline construction adjacent to the TNC land recently destroyed a once thriving population.

The population on the TNC land could be negatively affected by aerial drift from herbicide spray that is often applied from low-flying aircraft in timber areas (Mahler 1980). Loss of additional habitat would be detrimental to this plant.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* None known. Because of its rarity and potential use as an ornamental, *Phlox nivalis* ssp. *texensis* is of interest to botanists, plant breeders, and rare plant enthusiasts. Therefore, collection of plants is a potential threat.

C. *Disease or predation.* None apparent.

D. *The inadequacy of existing regulatory mechanisms.* *Phlox nivalis* ssp. *texensis* is not currently protected by either Federal or State law. The Act would provide protection and encourage active management through the "Available Conservation Measures" discussed below.

E. *Other natural or manmade factors affecting its continued existence.* Fire suppression has reduced the amount of suitable habitat for this species. Much of the former habitat has deteriorated because of aggressive invasion of successional hardwoods into unburned pine savannas. A prescribed burning and slash pine removal program on the TNC land has enhanced habitat for Texas trailing phlox.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to list *Phlox nivalis* ssp. *texensis* as endangered. With documented population declines and imminent threats, the species warrants protection under the Act. Critical habitat is not being proposed for the reasons discussed below.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that, to the maximum extent prudent and determinable, the Secretary propose critical habitat at the time the species is proposed to be endangered or threatened. The Service finds that designation of critical habitat is not presently prudent for this species. There are only two sites known for *Phlox nivalis* ssp. *texensis*. Loss of even a few plants to activities such as collection for scientific purposes could extirpate the species. As discussed under Factor B in the Summary of Factors Affecting the Species, *Phlox nivalis* ssp. *texensis* is threatened by taking, an activity

difficult to enforce against and only regulated by the Act with respect to plants in cases of (1) removal and reduction to possession of endangered plants from lands under Federal jurisdiction, or their malicious damage or destruction on such lands; and (2) removal, cutting, digging up, or damaging or destroying in knowing violation of any State law or regulation, including State criminal trespass law. Such provisions are difficult to enforce, and publication of critical habitat descriptions and maps would make *Phlox nivalis* ssp. *texensis* more vulnerable and increase enforcement problems. All involved parties and principal landowners have been notified of the location and importance of protecting this species' habitat. Protection of this species' habitat will be addressed through the recovery process and through the section 7 jeopardy standard. Therefore, it would not now be prudent to determine critical habitat for *Phlox nivalis* ssp. *texensis*.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. The protection required of Federal agencies and the prohibitions against certain activities involving listed plants are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its

critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. There are no known populations of *Phlox nivalis* ssp. *texensis* that either occur on Federal land and/or would be affected by activities authorized, funded, or carried out by a Federal agency.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general trade prohibitions and exceptions that apply to all endangered plants. All trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, sell or offer for sale this species in interstate or foreign commerce, or to remove and reduce to possession the species from areas under Federal jurisdiction. In addition, for endangered plants, the 1988 amendments (Pub. L. 100-478) to the Act prohibit the malicious damage or destruction on Federal lands and the removal, cutting, digging up, or damaging or destroying of endangered plants in knowing violation of any State law or regulation, including State criminal trespass law. Certain exceptions apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances.

It is anticipated that few trade permits would ever be sought or issued because the species is not common in cultivation or in the wild. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Office of Management Authority, U.S. Fish and Wildlife Service, P.O. Box 3507, Arlington, VA 22201 (703/358-2104).

Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to this species;

(2) The location of any additional populations of this species and the reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;

(3) Additional information concerning the range, distribution, and population size of this species; and

(4) Current or planned activities in the subject area and their possible impacts on this species.

Final promulgation of the regulation on this species will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be received within 45 days of the date of publication of the proposal. Such requests must be made in writing and addressed to the Field Supervisor, Ecological Services Field Office, Corpus Christi, Texas (see ADDRESSES).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the *Federal Register* on October 25, 1983 (48 FR 49244).

References Cited

- Lundell, C.L. 1942. Studies of American spermatophytes-III. Contrib. Univ. Mich. Herb. 8:77-79.
- Mahler, W.F. 1980. Status report, *Phlox nivalis* ssp. *texensis*. Lundell. U.S. Fish and Wildlife Service, Albuquerque, NM. 12 pp.
- Wherry, E.T. 1966. Polemoniaceae. in C.L. Lundell (ed.) *Flora of Texas* 1(3):283-321.
- Wherry, E.T. 1955. The genus *Phlox*. Morris Arboretum Monographs III. 174 pp.

Author

The primary author of this proposed rule is Sonja Jahrsdoerfer, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, NM 87103 (505/766-3972 or FTS 474-3972).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Fish, Marine mammals, Plants (agriculture).

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1543; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. It is proposed to amend § 17.12(h) by adding the following, in alphabetical

order under the Family Polemoniaceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Polemoniaceae—Phlox family:						
<i>Phlox nivalis</i> ssp. <i>texensis</i>	Texas trailing phlox	(U.S.A.) TX	E		NA	NA

(Proposal: *Phlox nivalis* ssp. *texensis* (Texas trailing phlox)—endangered)

Dated: April 30, 1990.

Richard N. Smith,

Acting Director, Fish and Wildlife Service.

[FR Doc. 90–12246 Filed 5–25–90; 8:45 am]

BILLING CODE 4310–55–M

Notices

Federal Register

Vol. 55, No. 103

Tuesday, May 29, 1990

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Regulation; Public Meeting

Pursuant to the Federal Advisory Committee Act (Public Law No. 92-463), notice is hereby given of a meeting of the Committee on Regulation of the Administrative Conference of the United States. The meeting will be held from 12:30 p.m. to 3:30 p.m. on Wednesday, June 6, 1990, at the Administrative Conference of the United States, 2120 L Street, NW., suite 500, Washington, DC 20037 (Library, 5th Floor).

The committee will meet to discuss two new projects: (1) A study of federal and state coordination in joint regulatory programs, conducted by Errol Meidinger, Professor of Law, State University of New York at Buffalo; and (2) a study of funds established by the federal government and earmarked for specific remedial or compensatory purposes, conducted by Frederick Anderson, Professor of Law, American University.

For further information concerning this meeting, contact David Pritzker, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., suite 500, Washington, DC. (Telephone: 202-254-7065.)

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman at least one day in advance. The committee chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting. Any member of the public may file a written statement with the committee before, during, or after the meeting. Minutes of the meeting will be available on request.

Dated: May 23, 1990.
Michael W. Bowers,
Deputy Research Director.
[FR Doc. 90-12378 Filed 5-25-90; 8:45 am]
BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[TB-89-016]

Tobacco Inspection—Grower's Referendum

AGENCY: Agriculture Marketing Service, USDA.

ACTION: Notice of referendum.

SUMMARY: This notice announces that a referendum will be conducted by mail during the period June 4 to June 8, 1990, to determine producer approval of the designation of Fitzgerald, Georgia, as a tobacco auction market.

DATES: the referendum will be held June 4 to June 8, 1990.

FOR FURTHER INFORMATION CONTACT: Ernest L. Price, Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, P.O. Box 96456, Washington, DC 20090-6456; Telephone Number (202) 447-2567.

SUPPLEMENTARY INFORMATION: Notice is hereby given of a mail referendum on the designation of Fitzgerald, Georgia.

On September 1, 1989, an application was made to the Secretary of Agriculture to designate Fitzgerald, Georgia, as a tobacco auction market. The application, filed by warehouse operators in Fitzgerald, was made pursuant to the regulations promulgated under the Tobacco Inspection Act (7 CFR part 29.1-29.3).

On November 2, 1989, a public hearing was held in Fitzgerald, Georgia, pursuant to the regulations. A Review Committee, established pursuant to § 29.3(h) of the regulations (7 CFR 29.3(h)), has reviewed and considered the application, the testimony presented at the hearing, the exhibits received in evidence, and other available information. The Committee recommended to the Secretary that the application be granted and the Secretary approved the application on March 1, 1990.

Before a new market can be officially designated, a referendum must be held to determine that a two-thirds majority of producers favor the designation. It is hereby determined that the referendum will be held by mail during May 28 to June 1, 1990. The purpose of the referendum is to determine whether farmers residing in the marketing area are in favor of or opposed to the designation of Fitzgerald for the 1990 and succeeding crop years. Accordingly, if a two-thirds majority of those tobacco producers voting in the referendum favor this consolidation, Fitzgerald will become a designated Tobacco Auction Market.

To be eligible to vote in the referendum a tobacco producer must reside in the counties of Ben Hill, Coffee, Irwin, Turner, Wilcox, or Telfair, Georgia. Any farmer who believes he or she is eligible to vote in the referendum but has not received a mail ballot by June 4, 1990, should immediately contact Ernest L. Price at (202) 447-2567.

The referendum will be held in accordance with the provisions for referenda of the Tobacco Inspection Act, as amended (7 U.S.C. 511d) and the regulations for such referendum set forth in 7 CFR 29.74.

Dated: May 21, 1990.
Kenneth C. Clayton,
Acting Administrator.
[FR Doc. 90-12429 Filed 5-25-90; 8:45 am]
BILLING CODE 3410-02-M

[TB-89-017]

Tobacco Inspection—Grower's Referendum

AGENCY: Agriculture Marketing Service, USDA.

ACTION: Notice of referendum.

SUMMARY: This notice announces that a referendum will be conducted by mail during the period June 4 to June 8, 1990, to determine producer approval of the designation of Metter, Georgia, as a tobacco auction market.

DATES: The referendum will be held June 4 to June 8, 1990.

FOR FURTHER INFORMATION CONTACT: Ernest L. Price, Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, P.O. Box 96456,

Washington, DC 20090-6456; Telephone Number (202) 447-2567.

SUPPLEMENTARY INFORMATION: Notice is hereby given of a mail referendum on the designation of Metter, Georgia.

On September 13, 1989, an application was made to the Secretary of Agriculture to designate Metter, Georgia, as a tobacco auction market. The application, filed by warehouse operators in Metter, was made pursuant to the regulations promulgated under the Tobacco Inspection Act (7 CFR part 29.1-29.3).

On November 2, 1989, a public hearing was held in Metter, Georgia, pursuant to the regulations. A Review Committee, established pursuant to § 29.3(h) of the regulations (7 CFR 29.3(h)), has reviewed and considered the application, the testimony presented at the hearing, the exhibits received in evidence, and other available information. The Committee recommended to the Secretary that the application be granted and the Secretary approved the application on March 1, 1990.

Before a new market can be officially designated, a referendum must be held to determine that a two-thirds majority of producers favor the designation. It is hereby determined that the referendum will be held by mail during May 28 to June 1, 1990. The purpose of the referendum is to determine whether farmers residing in the marketing area are in favor of or opposed to the designation of Metter for the 1990 and succeeding crop years. Accordingly, if a two-thirds majority of those tobacco producers voting in the referendum favor this consolidation, Metter will become a designated Tobacco Auction Market.

To be eligible to vote in the referendum a tobacco producer must reside in the counties of Candler, Bulloch, Evans, Tattnall, Toombs, or Emanuel, Georgia. Any farmer who believes he or she is eligible to vote in the referendum but has not received a mail ballot by June 4, 1990, should immediately contact Ernest L. Price at (202) 447-2567.

The referendum will be held in accordance with the provisions for referenda of the Tobacco Inspection Act, as amended (7 U.S.C. 511d) and the regulations for such referendum set forth in 7 CFR 29.74.

Dated: May 24, 1990.

Kenneth C. Clayton,
Acting Administrator.

[FR Doc. 90-12428 Filed 5-25-90; 8:45 am]

BILLING CODE 3410-02-M

Food Safety and Inspection Service

[Docket No. 90-009N]

Public Hearings on the Hazard Analysis and Critical Control Point Systems

AGENCY: Food Safety and Inspection Service, Agriculture.

ACTION: Notice of public hearing on Hazard Analysis and Critical Control Point Systems.

SUMMARY: The Food Safety and Inspection Service (FSIS) is announcing a series of five public hearings to discuss issues related to the Hazard Analysis and Critical Control Point (HACCP) Systems.

DATES: See "Supplementary Information" for the dates and locations of the hearings. Each of the public hearings will be held from 9 a.m. to 4 p.m.

FOR FURTHER INFORMATION CONTACT: Persons needing information about the HACCP issues to be addressed at the five hearings should contact:

Questions about the hearings in general should be directed to: Catherine M. DeRoever, Director, Executive Secretariat, Food Safety and Inspection Service, USDA Room 3175, South Building Washington, DC 20250 202-447-9150.

SUPPLEMENTARY INFORMATION: In August 1989, the Food Safety and Inspection Service (FSIS) initiated a project to incorporate the Hazard Analysis and Critical Control Point (HACCP) systems into its meat and poultry inspection operations. FSIS has issued two papers outlining its 2-year study to determine the optimal process for implementing HACCP. After the study is completed, FSIS will proceed with the long-range implementation of HACCP, as appropriate.

FSIS is holding these hearings to gather information and opinions on the HACCP initiatives and will use the information that it receives at the hearings, along with written comments, in deciding what changes, if any, are necessary.

Dates	Locations
June 29, 1990	Federal Building, room 7A23, 1100 Commerce Street, Dallas, Texas 75242.
July 17, 1990	William J. Green Federal Building, room 3306/10, 600 Arch Street, Philadelphia, Pennsylvania 19106.
July 19, 1990	Richard Russell Center, Strom Auditorium, 75 Spring Street, Atlanta, Georgia 30303.

Dates	Locations
July 24, 1990	Community Convention Center, Yolo Room, 1100 14th Street, Sacramento, California 95814.
August 1, 1990	Harris Hall, room 107, Northwestern University, Evanston Campus, 1881 Sheridan Road, Evanston, Illinois 60208.

Written requests to participate in the hearings should be directed to: Ms. Catherine M. DeRoever, Director, Executive Secretariat, Food Safety and Inspection Service, USDA, room 3175, South Building, Washington, DC 20250.

The notice of participation should contain the name, affiliation (if applicable), address, home and work telephone numbers of the participants, and issue to be addressed. Presenters will be allowed a maximum of 10 minutes. Participants should put the words "Notice of Participation" on the outside of the envelope.

The hearing will be open to all interested parties. Those individuals and organizations that submit a notice of participation will be given an opportunity to testify. Each speaker (or group of speakers representing a single entity) will be limited to 10 minutes for an oral presentation exclusive of the time consumed by the questions from the panel for the government and answers to these questions. Individuals and organizations that do not submit a notice but that would like to testify will be given the opportunity to do so if time permits.

Each hearing will be held from 9 a.m. to 4 p.m. The Assistant Administrator, Food and Safety and Inspection Service, or designee, will preside over all of the hearing sessions.

The Agency hopes that a broad spectrum of the private and public sectors will participate in the hearings. However, it is the special air of these national hearings to provide an avenue for the expression of views of individuals. Any handicapped persons requiring special accommodations in order to attend the hearings should direct those needs to the hearing contact person indicated in this notice.

Individuals and organizations who testify should submit two copies of their written testimony for the official record on the day they testify. Interested parties who want to provide additional information for inclusion in the record may submit information and views in writing to FSIS. The submission should be identified with the docket number found in brackets in the heading of this document. Submissions received will be

on public display in FSIS's Hearing Clerk's Office and may be viewed between 9 a.m. and 4 p.m., Monday through Friday.

Done at Washington, DC., on: May 23, 1990.

Lester M. Crawford,

Administrator, Food Safety and Inspection Service.

[FR Doc. 90-12348 Filed 5-25-90; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of application for an amendment to an Export Trade Certificate of Review.

SUMMARY: The Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, has received an application for an amendment to an Export Trade Certificate of Review. This notice summarizes the amendment and requests comments relevant to whether the amended Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Douglas J. Aller, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377-5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the *Federal Register* identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether the Certificate should be amended. An original and five (5) copies should be submitted not later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade

Administration, Department of Commerce, room 1223H, Washington, DC 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as "Export Trade Certificate of Review, application number 89-2AE18."

OETCA has received the following application for an amendment to Export Trade Certificate of Review No. 89-00018, which was issued on March 19, 1990 (55 FR 11041, March 26, 1990).

Summary of Application

Applicant: Outdoor Power Equipment Institute, Inc. ("OPEI"), 341 South Patrick Street, Alexandria, Virginia 22314. Contact: Laurence J. Lasoff, Legal Counsel. Telephone: 202/342-8530

Application No.: 89-2AE18

Date Deemed Submitted: May 22, 1990

Request For Amended Conduct: OPEI seeks to amend its Certificate by adding the following company as a "Member" of the Certificate: Ariens Company of Brillion, Wisconsin.

Dated: May 23, 1990.

Douglas J. Aller,

Director, Office of Export Trading Company Affairs.

[FR Doc. 90-12407 Filed 5-25-90; 8:45 am]

BILLING CODE 3510-DR-M

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of issuance of an amended export trade certificate of review.

SUMMARY: The Department of Commerce has issued an amendment to the Export Trade Certificate of Review granted to the Millers' National Federation. Notice of issuance of the Certificate was published in the *Federal Register* on July 8, 1987 (52 FR 25621).

FOR FURTHER INFORMATION CONTACT: Douglas J. Aller, Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 377-5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR part 325 (50 FR 1804, January 11, 1985).

The Office of Export Trading Company affairs is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a Certificate in the *Federal Register*. Under section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination in erroneous.

Description of Amended Certificate

Export Trade Certificate of Review No. 86-00011 was issued to the Millers' National Federation (MNF) on June 30, 1987. Notice of issuance of the Certificate was published in the *Federal Register* on July 8, 1987 (52 FR 25621).

The Millers' National Federation (MNF) has amended its Certificate to:

1. Delete Dixie Portland Flour Mills, Inc. as a "Member" of the Certificate.
2. Revise Item 1a of the Export Trade Activities and Methods of Operation section of the Certificate to reflect the fact that MNF may refuse to offer the foreign buyer's terms to USDA by adding the following provision after Item 1a:

If in the course of negotiations with such foreign buyers, any of the above terms demanded by the foreign buyer are considered by MNF and its Members to be onerous, excessively costly for technical reasons, or damaging to the operation of the Export Enhancement Program, MNF and its Members may agree not to submit the buyer's tender terms and individual bonus requests to USDA. MNF and its Members may use the refusal to offer as a method of obtaining changes in such terms by the foreign buyer.

EFFECTIVE DATE: February 21, 1990.

A copy of the amended Certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

Dated: May 22, 1990.

Douglas J. Aller,

Director, Office of Export Trading Company Affairs.

[FR Doc. 90-12300 Filed 5-25-90; 8:45 am]

BILLING CODE 3510-DR-M

National Institute of Standards and Technology

[Docket No. 90520-0043]

RIN 0693-AA72

Approval of Federal Information Processing Standards Publication 158, The User Interface Component of the Applications Portability Profile**AGENCY:** National Institute of Standards and Technology (NIST), Commerce.**ACTION:** The purpose of this notice is to announce that the Secretary of Commerce has approved a new standard, which will be published as FIPS Publication 158, The User Interface Component of the Applications Portability Profile.**SUMMARY:** On June 7, 1989, notice was published in the *Federal Register* (54 FR 24372) that a Federal Information Processing Standard for the User Interface Component of the Applications Portability Profile was being proposed for Federal use.

A FIPS adopting final voluntary industry specifications for User Interface Component will be proposed when those specifications are completed. The applications portability profile included in the Appendix to this FIPS will be further developed by NIST.

The written comments submitted by interested parties and other material available to the Department relevant to this standard were reviewed by NIST. On the basis of this review, NIST recommended that the Secretary approve the standard as a Federal Information Processing Standards Publication, and prepared a detailed justification document for the Secretary's review in support of that recommendation.

The detailed justification document which was presented to the Secretary is part of the public record and is available for inspection and copying in the Department's Central Reference and Records Inspection Facility, room 6628, Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues, NW., Washington, DC 20230.

This FIPS contains two sections: (1) An announcement section, which provides information concerning the applicability, implementation, and maintenance of the standard; and (2) a specifications section which deals with the technical requirements of the standard. Only the announcement section of the standard is provided in this notice.

EFFECTIVE DATE: This standard is effective November 15, 1990. Agencies may use this standard immediately. The

elements identified in the Appendix should be considered in planning for future procurements.

ADDRESSES: Interested parties may purchase copies of this standard, including the technical specifications portion, from the National Technical Information Service (NTIS). Specific ordering information from NTIS for this standard is set out in the Where to Obtain Copies Section of the announcement section of the standard.
FOR FURTHER INFORMATION CONTACT: D. Richard Kuhn, National Institute of Standards and Technology, Gaithersburg, MD 20899, telephone (301) 975-3337, FAX (301) 948-1784.

Dated: May 22, 1990.

John W. Lyons,
Director.**Federal Information Processing Standards Publication 158 (Date)****Announcing the Standard for the User Interface Component of the Applications Portability Profile**

Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Institute of Standards and Technology after approval by the Secretary of Commerce pursuant to Section 111(d) of the Federal Property and Administrative Services Act of 1949 as amended by the Computer Security Act of 1987, Public Law 100-235.

Name of Standard. The User Interface Component of the Applications Portability Profile (FIPS PUB 158).**Category of Standard.** Software Standard, Application Program Interface.**Explanation.** This publication announces the adoption of the X Protocol, Xlib Interface, Xt Intrinsics and Bitmap Distribution Format specifications of the X Window System, Version 11, Release 3 (X Window System is a trademark of the Massachusetts Institute of Technology (MIT)) as a Federal Information Processing Standard. This standard is for use by computing professionals involved in system and application software development and implementation. This standard is part of a series of specifications needed for application portability. The Appendix to this standard contains a reference model for network-based bit-mapped graphic user interface standards. This standard covers the Data Stream Encoding, Data Stream Interface, and Subroutine Foundation layers of the reference model. It is the intention of NIST to provide standards for other layers of the

reference model as consensus develops within industry. This standard addresses the user interface functional area of the Applications Portability Profile that was announced in FIPS 151, POSIX: Portable Operating System Interface for Computer Environments.

Approving Authority. Secretary of Commerce.**Maintenance Agency.** U.S. Department of Commerce, National Institute of Standards and Technology (NIST), National Computer Systems Laboratory.**Cross Index.** The X Window System, Version 11, Release 3.**Related Documents.**

a. Federal Information Resources Management Regulation 201-39, Acquisition of Federal Information Processing Resources by Contracting.

b. American National Standard X3.159-1989, "Programming Language C".

c. FIPS 151-1, POSIX: Portable Operating System Interface for Computer Environments.

Objectives. This FIPS permits Federal departments and agencies to exercise more effective control over the production, management, and use of the Government's information resources. The primary objectives of this FIPS are:

a. To promote portability of computer application programs at the source code level.

b. To simplify computer program documentation by the use of a standard portable system interface design.

c. To reduce staff hours in porting computer programs to different vendor systems and architectures.

d. To increase portability of acquired skills, resulting in reduced personnel training costs.

e. To maximize the return on investment in generating or purchasing computer programs by ensuring operating system compatibility.

f. To provide ease of use in computer systems through network-based bit-mapped graphic user interfaces with a consistent appearance. This FIPS is not intended to specify a government-wide appearance or "look and feel", but to enable agencies to develop interfaces with a consistent appearance and behavior. Individual government organizations should determine their own policies in this area.

Government-wide attainment of the above objectives depends upon the widespread availability and use of comprehensive and precise standard specifications.

Applicability. This FIPS should be considered for network-based bit-mapped graphic systems that are either

developed or acquired for government use where distributed/networked bit-mapped graphic interfaces to multi-user computer systems are required.

Specifications. The specifications for this FIPS are the following documents from the X Window System, Version 11, Release 3. These specifications define a C language source code level interface to a network-based bit-mapped graphic system. The computer program source code contained in Version 11, Release 3 is not part of the specifications for this FIPS. The specifications for this FIPS are the following documents from X Version 11, Release 3:

- a. X Window System Protocol, X Version 11,
- b. Xlib—C language X Interface,
- c. X Toolkit Intrinsics—C Language Interface,
- d. Bitmap Distribution Format 2.1

Implementation. This standard is effective November 15, 1990. The other elements identified in the Appendix should be considered in planning for future procurements.

a. **Acquisition of a Conforming System.** Organizations developing network-based bit-mapped graphic system applications which are to be acquired for Federal use after the effective date of this standard and which have applications portability as a requirement should consider the use of this FIPS. Conformance to this FIPS should be considered whether the network-based bit-mapped graphic system applications are:

1. Developed internally,
2. Acquired as part of an ADP system procurement,
3. Acquired by separate procurement,
4. Used under an ADP leasing arrangement, or
5. Specified for use in contracts for programming services

b. **Interpretation of the FIPS for the User Interface Component of the Applications Portability Profile.** NIST provides for the resolution of questions regarding the FIPS specifications and requirements, and issues official interpretations as needed. All questions about the interpretation of this FIPS should be addressed to:

Director, National Computer Systems Laboratory, Attn: APP User Interface Component FIPS Interpretation, National Institute of Standards and Technology, Gaithersburg, MD 20899

c. **Validation of Conforming Systems.** The X Testing Consortium has developed a validation suite for measuring conformance to this standard. NIST is considering the use of the X Testing Consortium validation suite as

the basis for an NIST validation suite for measuring conformance to this standard.

Where to Obtain Copies: Copies of this publication are for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161. (Sale of the included specifications document is by arrangement with the Massachusetts Institute of Technology and Digital Equipment Corporation.) When ordering, refer to Federal Information Processing Standards Publication 158 (FIPSPUB158), and title. Payment may be made by check, money order, or deposit account.

Appendix

The FIPS for the User Interface Component is part of a series of FIPS for the Applications Portability Profile (APP), first announced in FIPS 151 (POSIX). The functional components of the APP constitute a "toolbox" of standard elements that can be used to develop and maintain portable applications. The APP is an open systems architecture based upon non-proprietary standards.

One of the most neglected aspects of applications software portability is the requirement to maintain a consistent user interface across all systems on which the application resides. The FIPS for the User Interface Component is the first step in responding to a critical need within the Federal community for a set of tools to develop standard user interfaces. It is the first in a series which NIST intends to adopt as user interface technology progresses and consensus emerges.

This initial FIPS is based upon the X Window System [1] developed by the Massachusetts Institute of Technology (MIT) X Consortium. The X Window System assumes a client/server model of distributed computing, and user interface applications based upon bit-mapped graphic displays. With this system, software vendors can develop applications that incorporate such interfaces without being concerned about the underlying display hardware on which the application runs. In addition, the application need not be resident on the same computer system as the one to which the user's display is attached.

The X Window System Version 11, Release 4 has not been specified because there will be a significant time lag before products are available based upon Release 4. To specify Release 4 at this time would severely limit product availability and reduce competition. However, Release 4 will be upwardly compatible with Release 3. It is the intention of NIST to revise this FIPS as appropriate.

This FIPS is not intended to specify a government-wide style or "look and feel", nor is it intended as a specification of a general programming interface for graphics applications. It is intended to lay a foundation for standards that will help Federal agencies develop and acquire network-based, bit-mapped graphic user interface applications.

It is customary to develop applications using toolkit interfaces that are at a higher

level than the interfaces covered by this FIPS (see Reference Model in the Appendix).

The interfaces specified in this FIPS are not intended to be a complete solution for application user interface development, but rather to provide a foundation on which other layers will be added as consensus emerges within the industry.

The interfaces specified in this FIPS represent the consensus of the industry for lower-level X Window System interfaces.

Agencies that seek to ensure portability and to reduce conversion costs are advised to acquire systems that support the interfaces specified in this FIPS, as a future toolkit standard is expected to be based on these interfaces.

Agencies should develop migration strategies to ease the transition from proprietary systems to an open systems environment. The complexity of the migration towards open systems depends largely upon the extent to which proprietary interfaces are used. When portions of an application must be developed using proprietary interfaces, portability may be reduced. Developers should be aware that the source code for a toolkit may be freely available. If the source code is available, then it should be ported along with the application to another system that supports components at lower layers of the reference model.

The X Window System program services and interface specifications adopted by this FIPS provide the foundation for a set of vendor independent building blocks that can be used to develop user interface applications. These specifications, however, must be extended to provide the additional program services and interface specifications for user interface applications. These additional specifications will be based on the NIST User Interface Reference Model shown in Figure 1.

National and international standards organizations may develop standards for components of this FIPS. In particular, ANSI X3H3.6 is preparing a standard for the X Protocol, and IEEE P1201 has initiated an effort to develop a standard for Xlib. It is desirable to have only a single standard for each component. Therefore, it is the intention of NIST to reference such standards as appropriate in a revision of this FIPS.

The NIST User Interface Reference Model is a layered model which defines the program services and interfaces required for network-based, bit-mapped graphic user interface applications. This FIPS covers the Data Stream Encoding, Data Stream Interface, and Subroutine Foundation layers of the framework. These layers provide a foundation upon which standard components for higher layers of the framework may be built.

NIST USER INTERFACE REFERENCE MODEL

Model layer	System component
6: Application.....	Application.
5: Dialogue.....	UIDL, UIMS.
4: Presentation.....	UIDL, UIMS.
3: Toolkit.....	Toolkit.

NIST USER INTERFACE REFERENCE MODEL—Continued

Model layer	System component
2: Subroutine Foundation.....	Xt Intrinsics.
1: Data Stream Interface.....	Xlib.
0: Data Stream Encoding.....	X Protocol.

Figure 1.

Layer 0: Data Stream Encoding

Data Stream Encoding defines the format and sequencing of byte streams passed between client and server. In the X Window System, the Data Stream Encoding is the X "wire" or "network" protocol. As a specification of message formats, the Data Stream Encoding is independent of operating system, programming language, or network communication.

Layer 1: Data Stream Interface

The Data Stream Interface specifies a function call interface to build the messages defined in the Data Stream Encoding layer. In C programs for X, this interface is the Xlib function library. The Data Stream Interface converts parameters passed from a program into the bit stream that is transmitted over the network, and converts messages from the server into values passed to the program. The Data Stream Interface provides access to basic graphic functions from Layer 0, and may support system functions such as error handling and synchronization.

Layer 2: Subroutine Foundation

The Subroutine Foundation uses features of the Data Stream Interface to provide the means to build components of window interfaces such as scroll bars. Functions often provided by the Subroutine Foundation include initialization and destruction of objects, management of events and object hierarchy, and the saving and restoration of interface state. The Subroutine Foundation can be thought of as a toolkit with which to build toolkits. The X Window System's Xt Intrinsics set is a Subroutine Foundation for X.

Layer 3: Toolkit

Components such as menus, pushbuttons, scroll bars, or help boxes can be used to build an application interface. These "prefabricated" components make up the Toolkit. The components of Toolkits vary with vendors, but they typically contain most of the common user interface elements.

Layer 4: Presentation

The Presentation layer determines the appearance of the user interface, including aspects such as size, style, and color. It specifies how the components in the Toolkit should be composed to create windows. The appearance may be specified using a User Interface Definition Language (UIDL) and may be enforced by a window manager, which controls the size and location of windows, and decorates windows in the style specified by the user.

Layer 5: Dialogue

The Dialogue layer coordinates the interaction between the computer system and the user. It can be thought of as a mediator between the user and the application program. Communication between user and application program is through the Dialogue layer, which may be implemented by a User Interface Management System (UIMS). The user/application interaction is specified by a "dialogue" that associates user actions, such as clicking on a menu item, with application actions. Some UIMS tools can accept a dialogue and a presentation style from which to generate an instance of the UIMS that controls the interaction between user and application.

Layer 6: Application

The application program implements the functions required by the user. Its interaction with the user is through the Dialogue layer. The application may call routines at the Toolkit, Subroutine Foundation, or Data Stream Interface levels as well, but portability may be reduced.

Plans

The FIPS for the User Interface Component is an integral component of the APP. As with other components of the APP, the specifications adopted by this FIPS are expected to evolve as the technology matures, as additional experience using the technology is gained, and as consensus broadens in the national and international standards arena. NIST has established a process to ensure that the FIPS will evolve in a manner that serves the interests of both users who employ these specifications to acquire products and vendors who use them to build products.

Both users and vendors are included in this process through an ongoing series of APP User Workshops and APP Implementor Workshops. The user workshops provide information on the evolving definition of The User Interface Component as well as other APP specifications. They also serve as a forum for users to identify user priorities and to provide input and feedback. The implementor workshops provide a forum for vendors to discuss the APP specifications and to provide feedback on the technical merits of the NIST proposals. The implementor workshops are designed to ensure that there is consensus on the part of the vendors building products to the evolving APP specifications.

[1] Scheifler, R.W., and J. Gettys, "The X Window System," *ACM Transactions on Graphics*, Vol. 5, No. 2, April, 1986.

[FR Doc. 90-12324 Filed 5-25-90; 8:45 am]

BILLING CODE 3510-CN-M

National Technical Information Service

Availability of Patent License

This is notice in accordance with 35 U.S.C. 209(c)(1) and 37 CFR part 404 that the National Technical Information

Service (NTIS), U.S. Department of Commerce, has available for licensing in U.S. and many foreign countries, U.S. Patent Application Serial No. 7-048,148 filed May 11, 1987 entitled, "Small Peptides Which Inhibit Binding to T 4 Receptors and Act as Immunogens" The inventors are Candace Pert, Michael Ruff and William Farrar. This application is a continuation-in-part of Serial No. 6-878,586, filed June 26, 1986 which is a continuation-in-part of Serial No. 6-869,919 filed June 3, 1986.

The invention relates to synthetically produced short peptide sequences which inhibit HTLV-III/LAV (hereinafter referred to as HIV) binding to human cells by blocking receptor sites on the cell surface, and thus preventing viral infectivity of human T cells. The peptides, while preventing infectivity, also induce antibody production against the envelope protein of the HIV virus. Hence, these peptides also have use as vaccines to prevent development of Acquired Immune Deficiency Syndrome (AIDS). Monoclonal antibodies to the peptides could also be used as diagnostic agents to identify the HIV virus. Hence, peptides and antibodies to the peptides would have use in preparing test kits for identification of HIV carriers or persons suffering from AIDS.

Inquiries and requests for license application must be submitted to Papan Devnani, Center for the Utilization of Federal Technology, NTIS, Box 1423, Springfield, VA 22151. Telephone (703) 487-4732.

The successful licensees will bear the burden of:

- (1) providing for controlled Phase II trials at its own expense
- (2) obtaining approval from FDA at its own expense
- (3) taking over Phase I Studies currently sponsored by NIMH, and funding them to their completion

The license applications must be received within 45 days of the date of this announcement.

Douglas J. Campion,

Patent Licensing Specialist, Center for the Utilization of Federal Technology, National Technical Information Service, United States Department of Commerce.

[FR Doc. 90-12299 Filed 5-25-90; 8:45 am]

BILLING CODE 3510-04-M

Notice of Prospective Grant of Exclusive Patent License

This is notice in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i)

that the National Technical Information Service (NTIS), U.S. Department of Commerce, is contemplating the grant of an exclusive license in the United States and certain foreign countries to practice the invention embodied in U.S. Patent Application Serial Number 7-305,286, "Breath Sampler" to SKC, Inc., having a place of business at Eighty-four, PA. The patent rights in this invention have been assigned to the United States of America.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within sixty days from the date of this published Notice, NTIS receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

The present invention is an apparatus for sampling volumetric quantities of human exhaled breath, has three conduits and may be provided in a Y or T shaped configuration. The free end of one of the conduits is adapted to connect with the mouth of the subject being tested. Another of the conduits is adapted to pass air to the subject, this conduit being provided with a suitable filtering mechanism such as a charcoal inhalation canister, and an inlet check valve. The third of the three conduits supports an appropriate sampling canister for receiving exhaled breath from the subject, and this conduit also is provided with a one way check valve.

The availability of the invention for licensing was published in the *Federal Register* Vol. 54, #75, p. 15964 (April 20, 1989) and Vol 54, #242, p. 51925 (December 19, 1989).

A copy of the instant patent application may be purchased from the NTIS Sales Desk by telephoning 1-800-336-4700 or by writing to Order Department, NTIS, 5285 Port Royal Road, Springfield, VA 22161.

Inquiries, comments and other materials relating to the contemplated license must be submitted to Neil L. Mark, Center for the Utilization of Federal Technology, NTIS, Box 1423, Springfield, VA 22151.

Douglas J. Campion,

Patent Licensing Specialist, Center for the Utilization of Federal Technology, National Technical Information Service, U.S. Department of Commerce.

[FR Doc. 90-12298 Filed 5-25-90; 8:45 am]

BILLING CODE 3510-04-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Privacy Act of 1974; Altered System of Records

AGENCY: Department of the Air Force, DOD.

ACTION: Alteration of one record system for public comment.

SUMMARY: The Department of the Air Force proposes to alter one record system in its inventory of record systems subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a).

DATES: The altered system will be effective June 28, 1990, unless comments are received which result in a contrary determination.

ADDRESSES: Send any comments to Mrs. Anne Turner, SAF/AAIA, The Pentagon, Washington, DC 20330-1000. Telephone (202) 697-3491 or Autovon 227-3491.

SUPPLEMENTARY INFORMATION: The Department of the Air Force record systems notices subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a), have been published in the *Federal Register* as follows:

50 FR 22332 May 29, 1985 (DoD compilation, changes follow)
50 FR 24672 Jun. 12, 1985
50 FR 25737 Jun. 21, 1985
50 FR 46477 Nov. 8, 1985
50 FR 50337 Dec. 10, 1985
51 FR 4531 Feb. 5, 1986
51 FR 7317 Mar. 3, 1986
51 FR 16735 May 6, 1986
51 FR 18927 May 23, 1986
51 FR 41382 Nov. 14, 1986
51 FR 44332 Dec. 9, 1986
52 FR 11845 Apr. 13, 1987
53 FR 24354 Jun. 28, 1988
53 FR 45800 Nov. 14, 1988
53 FR 50072 Dec. 13, 1988
53 FR 51301 Dec. 21, 1988
54 FR 10034 Mar. 9, 1989
54 FR 43450 Oct. 25, 1989
54 FR 47550 Nov. 15, 1989

The specific changes to the record system being amended are set forth below, followed by the system notice, as amended, published in its entirety. The altered system report, as required by 5 U.S.C. 552a(r) of the Privacy Act, was submitted on May 14, 1990, to the Committee on Governmental Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget (OMB) pursuant to paragraph 4b of Appendix I to OMB Circular No. A-130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated December 12, 1985 (50 FR 52730, December 24, 1985).

Dated: May 22, 1990.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

F168 AF SG B

SYSTEM NAME:

168 AF SG B—Child Advocacy Case Files (50 FR 22515, May 29, 1985).

CHANGES:

SYSTEM NAME:

Delete current name and substitute with "168 AF SG B—Family Advocacy Program Record".

SYSTEM LOCATION:

In first sentence delete, "Headquarters Air Force Medical Service Center, Directorate of Professional Services, Clinical Consultants Division" and replace with, "Headquarters Air Force Office of Medical Support, Directorate of Professional Affairs and Quality Assurance, Air Force Family Advocacy Program * * *".

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entire entry and replace with "All family members entitled to care at Air Force medical and dental facilities whose exceptional medical or educational conditions or family maltreatment is brought to the attention of appropriate authorities and all persons suspected of perpetrating maltreatment."

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entire entry and replace with "Medical records of family members exceptional medical and/or educational needs or suspected and established cases of family maltreatment, investigative reports, correspondence, family advocacy case management team minutes and reports, follow-up and evaluation reports, and any other supportive data assembled relevant to individual family advocacy program records."

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entire entry and replace with "10 U.S.C. 8013, Secretary of the Air Force: Powers and Duties; delegation by; as implemented by Air Force Regulation (AFR) 160-38, Air Force Family Advocacy Program, and Executive Order 9397."

PURPOSE(S):

In second sentence delete " * * child advocacy programs, medical care and research concerning

child abuse and neglect." and replace with " * * * family advocacy programs, and exceptional educational or medical conditions."

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Delete entire entry and replace with "The Department of the Air Force "Blanket Routine Uses" published at the beginning of the agency's compilation apply to this system. Disclosure is authorized to any member of the family in whose sponsor's name the file is maintained, in furtherance of treating any member of the family.

Used by the Attorney General of the United States or his authorized representatives in connection with litigation, or other matters under the direct jurisdiction of the Department of Justice.

To officials and employees of the Veterans Administration in the performance of their official duties relating to the adjudication of veterans claims and in providing medical care to members of the Air Force.

To officials and employees of other departments and agencies of the Executive Branch of government upon request in the performance of their official duties relating to review of the official qualifications and medical history of applicants and employees who are covered by this record system and for the conduct of research studies and relating to the coordination of family advocacy programs, medical care and research concerning family maltreatment and neglect and exceptional or medical conditions.

To private organizations (including educational institutions) and individuals for authorized health research in the interest of the Federal government and the public. When not considered mandatory, patient identification data shall be eliminated from records used for research studies.

To officials and employees of the National Research Council in cooperative studies of the National History of Disease; of prognosis and of epidemiology. Each study in which the records of members and former members of the Air Force are used must be approved by the Surgeon General of the Air Force.

To officials and employees of local and state governments and agencies in the performance of their official duties pursuant to the laws and regulations governing local control of communicable diseases, preventive medicine and safety programs, child abuse and other public health and welfare programs.

To authorized surveying bodies for professional certification and accreditations.

To the individual's organization or government agency as necessary when required by Federal statute, Executive Order, or by treaty.

Used by federal, state or local governmental agencies when appropriate in the counseling and treatment of individuals or families with exceptional medical or educational needs or when involved in child abuse or neglect.

Drug/Alcohol and Family Advocacy information maintained in connection with Abuse Prevention Programs shall be disclosed only in accordance with applicable statutes.

Note: Records of identity, diagnosis, prognosis or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, requested, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided herein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in 42 U.S.C. 290dd-3 and 290ee-3. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. The Department of the Air Force "Blanket Routine Uses" do not apply to these records.

* * * * *

RETRIEVABILITY:

Delete entire entry and replace with "Records are retrieved by the Social Security Number of the sponsor or guardian."

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete " * * * Medical Service Center * * *" and replace with " * * * Office of Medical Support * * *".

Notification procedure:

Delete " * * * System Manager * * *" and replace with " * * * Family Advocacy Officer * * *".

* * * * *

RECORD SOURCE CATEGORIES:

Delete entire entry and substitute with "Individual to whom the record pertains, reports from physicians and other medical department personnel; reports and information from other sources including educational institutions, medical institutions, law enforcement

agencies, public and private health and welfare agencies, and witnesses."

* * * * *

F168 AF SG B

SYSTEM NAME:

F168 AF SG B—Family Advocacy Program Record.

SYSTEM LOCATION:

Headquarters United States Air Force, Office of the Surgeon General, Washington, DC 20330-6118; Headquarters Air Force Office of Medical Support, Directorate of Professional Affairs and Quality Assurance, Air Force Family Advocacy Program, Brooks Air Force Base, San Antonio, TX 78235-5000; Major Command Surgeon's office, and Air Force Hospitals, medical centers and clinics. Official mailing addresses are published as an appendix to the Air Force's compilation of systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All family members entitled to care at Air Force medical and dental facilities whose exceptional medical or educational conditions or family maltreatment is brought to the attention of appropriate authorities and all persons suspected of perpetrating maltreatment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records of family members exceptional medical and/or educational needs or suspected and established cases of family maltreatment, investigative reports, correspondence, family advocacy case management team minutes and reports, follow-up and evaluation reports, and any other supportive data assembled relevant to individual family advocacy program records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and Duties; delegation by: as implemented by Air Force Regulation (AFR) 160-38, Air Force Family Advocacy Program, and Executive Order 9397.

PURPOSE(S):

Used in the performance of official duties relating to health and medical treatment of members of the uniformed services, civilians, and dependents receiving medical care under Air Force auspices; performance of research and compilation of statistical data. Used by other components of the Department of Defense in the performance of official

duties relating to the coordination of family advocacy programs, medical care and research concerning family maltreatment and neglect and exceptional educational or medical conditions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The Department of the Air Force "Blanket Routine Uses" published at the beginning of the agency's compilation apply to this system.

Disclosure is authorized to any member of the family in whose sponsor's name the file is maintained, in furtherance of treating any member of the family.

Used by the Attorney General of the United States or his authorized representatives in connection with litigation, or other matters under the direct jurisdiction of the Department of Justice.

To officials and employees of the Veterans Administration in the performance of their official duties relating to the adjudication of veterans claims and in providing medical care to members of the Air Force.

To officials and employees of other departments and agencies of the Executive Branch of government upon request in the performance of their official duties relating to review of the official qualifications and medical history of applicants and employees who are covered by this record system and for the conduct of research studies and relating to the coordination of family advocacy programs, medical care and research concerning family maltreatment and neglect and exceptional educational or medical conditions.

To private organizations (including educational institutions) and individuals for authorized health research in the interest of the Federal government and the public. When not considered mandatory, patient identification data shall be eliminated from records used for research studies.

To officials and employees of the National Research Council in cooperative studies of the National History of Disease; of prognosis and of epidemiology. Each study in which the records of members and former members of the Air Force are used must be approved by the Surgeon General of the Air Force.

To officials and employees of local and state governments and agencies in the performance of their official duties pursuant to the laws and regulations governing local control of communicable diseases, preventive medicine and

safety programs, child abuse and other public health and welfare programs.

Used by federal, state or local governmental agencies when appropriate in the counseling and treatment of individuals or families with exceptional medical or educational needs or when involved in child abuse or neglect.

To authorized surveying bodies for professional certification and accreditations.

To the individual organization or government agency as necessary when required by Federal statute, Executive Order, or by treaty.

Drug/Alcohol and Family Advocacy information maintained in connection with Abuse Prevention Programs shall be disclosed only in accordance with applicable statutes.

Note: Records of identity, diagnosis, prognosis or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, requested, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided herein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in 42 U.S.C. 290dd-3 and 290ee-3. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. The Department of the Air Force "Blanket Routine Uses" do not apply to these records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEMS:

STORAGE:

Records may be stored in file folders, microfilm, or computerized or machine readable media.

RETRIEVABILITY:

Records are retrieved by the Social Security Number of the sponsor or guardian.

SAFEGUARDS:

Records are maintained in various kinds of filing equipment in specified monitored or controlled access rooms or areas. Records are accessible only to authorized personnel that are properly screened and trained, and on a need-to-know basis only. Computer terminals are located in supervised areas with access controlled by password or other user code system.

RETENTION AND DISPOSAL:

Retained in office files for five years after the end of the year in which case was closed, retired to National Personnel Record Center (Civilian), 111 Winnebago Street, St Louis, Missouri 63118-2001 for an additional 20 years.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General; Headquarters Air Force Office of Medical Support; Major Command Surgeons; commanders of medical centers, hospitals, and clinics. Official mailing addresses are published as an appendix to the Air Force's compilation of systems notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address inquiries to the Family Advocacy Officer at Air Force hospitals, medical centers and clinics

Requests should include name, Social Security Number of sponsor, and location of incident. Official mailing addresses are published as an appendix to the Air Force's compilation of systems notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address inquiries to the Patient Affairs Officer at Air Force medical treatment facilities. Official mailing addresses are published as an appendix to the Air Force's compilation of systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for access to records and for contesting and appealing initial agency determinations by the individual concerned are published in Air Force Regulation 12-35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains, reports from physicians and other medical department personnel; reports and information from other sources including educational institutions, medical institutions, law enforcement agencies, public and private health and welfare agencies, and witnesses.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a (k)(2) and (k)(5), as applicable. For additional information contact the system manager.

[FR Doc. 90-12351 Filed 5-25-90; 8:45 am]

BILLING CODE 3810-01-M

Defense Mapping Agency**Privacy Act of 1974; New System of Records**

AGENCY: Defense Mapping Agency, DOD.

ACTION: Notice of a proposed new record system subject to the Privacy Act of 1974 for public comment.

SUMMARY: The Defense Mapping Agency is proposing to add a new record system to its inventory of record systems subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a). The system notice for the new system is set forth below.

DATES: This system shall be effective June 28, 1990, unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to Mr. Roderick Hendrick, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031-2137. Telephone (301) 285-9153.

SUPPLEMENTARY INFORMATION CONTACT: The Defense Mapping Agency record system notices as prescribed by the Privacy Act of 1974, as amended, (5 U.S.C. 552a), have been published in the **Federal Register** as follows:

50 FR 22257, May 29, 1985 (DoD Compilation, changes follows) 53 FR 44523, Nov. 3, 1988.

A new system report, as required by 5 U.S.C. 552a(r) of the Privacy Act, was submitted on May 15, 1990, to the Committee on Governmental Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget (OMB) pursuant to paragraph 4b of Appendix I to OMB Circular No. A-130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated December 12, 1985 (50 FR 52730, December 24, 1985).

Dated: May 22, 1990.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

B0901-08 HQCPSOHTA

SYSTEM NAME:

901-08—Civilian Employee Drug Abuse Testing Program Records.

SYSTEM LOCATION:

DMA Headquarters, 8613 Lee Highway, Fairfax, VA 22031-2137; DMA Combat Support Center, 8613 Lee Highway, Fairfax, VA 22031-2137; DMA Hydrographic Topographic Center, Washington, DC 20305-0030; and DMA Aerospace Center, 3200 S. Second Street, St. Louis, MO 63118-3399.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of, and applicants for positions in, the Defense Mapping Agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to the selection, notification, and testing of employees and applicants; collection authentication and chain of custody documents; laboratory test results information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7301 and 7361; Pub. L. 100-71; Executive Order 12564, "Drug-Free Federal Workplace"; and Executive Order 9397

PURPOSES(S):

The system is established to maintain Drug Program Coordinator records on the selection, notification, and testing of employees and applicants (i.e., urine specimens, drug test results, chain of custody records, etc.) for illegal drug use.

Records contained in this system are also used by DMA's Medical Review Official; the administrator of any Employee Assistance Program in which the employee is receiving counseling or treatment or is otherwise participating; and management officials within DMA having authority to take adverse personnel action against such employee.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, USES, AND THE PURPOSE OF SUCH USES:

In order to comply with the provisions of 5 U.S.C. 7301, the DoD "Blanket Routine Uses" do not apply to this system or records.

To a court of competent jurisdiction where required by the United States Government to defend against any challenge against any adverse personnel action.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records are maintained in file folders and secured file cabinets. Electronic records exist on magnetic tape, diskette, or other machine readable media.

RETRIEVABILITY:

Records are retrieved by Agency activity name, employee or applicant name, Social Security Number, Identification Number assigned, collection site, date of testing, or any combination of these.

SAFEGUARDS:

Paper records are stored in file cabinets that are locked when not being used. Electronic records are accessed on computer terminals in supervised areas using a system with password access safeguards. All employee and applicant records are maintained and used with the highest regard for employee and applicant privacy. Only persons on a need-to-know basis and trained in the handling of information protected by the Privacy Act have access to the system.

RETENTION AND DISPOSAL:

Records on employees are retained for two years. Records on applicants are maintained for a period not to exceed six months. Records are destroyed by shredding, burning, or, in the case of electronic records, by erasure.

SYSTEM MANAGER AND ADDRESS:

DMA Drug Program Manager, Personnel Office, 8613 Lee Highway, Fairfax, VA 22031-2137.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains information about themselves must address written inquiries to the DMA Drug Program Manager, Personnel Office, 8613 Lee Highway, Fairfax, VA 22031-2137.

Requests must contain the full name, Social Security number, current address and telephone number of subject individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records must address written inquiries to the DMA Drug Program Manager, Personnel Office, 8613 Lee Highway, Fairfax, VA 22031-2137.

Requests must contain the full name, Social Security Number, current address and telephone number of subject individual.

CONTESTING RECORD PROCEDURES:

The Agency rules for contesting contents and appealing initial agency determinations are published in DMA Instruction 5400.11, "DMA Privacy Program"; 32 CFR part 295c; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Records in this system are obtained from the individual to whom the records pertain; agency employees, supervisors, and management officials involved in the DMA Drug Abuse Testing Program.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 90-12336 Filed 5-25-90; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY**Office of Fossil Energy**

[FE Docket No. 89-69-NG]

Salmon Resources Ltd.; Application To Import Natural Gas From Canada**AGENCY:** Department of Energy, Office of Fossil Energy.**ACTION:** Notice of application for long-term authorization to import Canadian natural gas.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on October 5, 1989, of an application filed by Salmon Resources Ltd. (Salmon), which was supplemented on March 6, 1990, for authorization to import up to 15,700 MMBtu (approximately 15,700 Mcf) per day of Canadian natural gas beginning on June 1, 1990, and ending August 31, 2011, under the terms of a gas supply and purchase contract between Salmon and Shell Canada Limited (Shell). Salmon would resell the gas to Cogen Energy Technology Inc. (CETI) for use as a fuel in a cogeneration plant to be constructed by CETI at Castleton-on-Hudson in New York State. Up to 14,000 MMBtu per day of the Canadian natural gas would be supplied to CETI on a firm basis and up to 1,700 MMBtu per day would be supplied on a reasonable efforts basis. The volumes would enter the U.S. near Niagara Falls, New York, and be transported to CETI via the pipeline facilities of Tennessee Pipeline Company (Tennessee), CNG Transmission Corporation (CNG) and Niagara Mohawk Power Corporation (Niagara Mohawk). The 1,700 MMBtu per day of interruptible gas would be supplied using existing facilities. The firm imported volumes would be delivered from TransCanada PipeLines Limited's pipeline facilities to Tennessee's at the border near Niagara Falls, New York. The gas would then be transported through Tennessee's proposed Niagara spur facilities, consisting of 41.6 miles of pipeline looping, from the border to an interconnection with CNG's facilities near Marilla, New York. CNG would then transport the gas from the Marilla, New York area to Albany County, New York; CNG would construct 2.35 miles of 30-inch pipeline across the Hudson River in order to deliver the gas to CNG's interconnection with Niagara

Mohawk's facilities near Brookview, New York. The gas would then be transported to the CETI cogeneration facility via a new 14,200 foot pipeline, eight inches in diameter, to be constructed by Niagara Mohawk.

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204-111 and 0204-127. Protests, motions to intervene, notices of intervention and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., e.s.t., June 28, 1990.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-056, FE-50, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Stanley C. Vass, Office of Fuel Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-056, FE-50, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-1302. Diana J. Stubbs, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, room 6E-042, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-6667.

SUPPLEMENTARY INFORMATION: Salmon, a Wyoming corporation with its executive office at Lakewood, Colorado, is a buyer and seller of natural gas primarily in the U.S. Midwest and in California. Salmon is a wholly-owned subsidiary of Shell, Salmon's Canadian supplier.

Salmon's natural gas import proposal is contained in a precedent agreement executed with Shell dated May 5, 1988, related amending agreements dated February 27 and September 20, 1989 (the Shell-Salmon agreement), and in the Salmon-CETI gas sale and purchase agreement attached to the precedent agreement. Under the precedent agreement, Salmon would purchase Canadian gas from Shell for delivery to CETI at a price equal to 98.5 percent of the commodity charge Salmon receives from CETI plus 100 percent of the demand charge received from CETI. Under the Salmon-CETI contract, CETI would pay Salmon a demand charge equal to the demand charges paid by Shell to NOVA Corporation of Alberta and TransCanada PipeLines Ltd. for transportation of the gas to the import point near Niagara Falls, New York. CETI would pay a commodity charge computed from a base price of \$2.97 per

MMBtu, adjusted to reflect changes in Niagara Mohawk's avoided energy and capacity costs expressed in terms of a weighted average floating tariff (WAFT). The WAFT is the price that would be paid for electricity per quarter based on Niagara Mohawk's avoid cost rates calculated on the basis of peak period rates and off-peak rates weighted in accordance with the hours such rates are in effect. The WAFT effective October 1, 1987, is 2.7540 cents/Kwh.

Under the avoided cost formula, when Niagara Mohawk's WAFT for the prior contract quarter did not exceed 6 cents per Kwh, the base price applies; when the WAFT for the prior quarter exceeds 6 cents per Kwh, but has not done so for more than a total of eight quarters, then the adjusted base price applies; and when the WAFT for the prior quarter has exceeded 6 cents per Kwh for more than a total of eight quarters, then the adjusted base price plus a surcharge applies. The adjusted base price is determined by multiplying the base price by a fraction consisting of the WAFT for the prior quarter in the numerator and the WAFT for the quarter before the prior quarter in the denominator. The surcharge would range from 7 cents per MMBtu to \$1.50 per MMBtu based on the number of quarters that have elapsed after commercial operations of the CETI plant have begun.

Both the Shell-Salmon and Salmon-CETI gas supply contracts provide for a maximum daily contract quantity of up to 14,000 MMBtu per day of natural gas on a firm basis plus up to 1,700 MMBtu per day on an interruptible, reasonable efforts basis. There are no take or pay obligations provided for in the contracts.

The imported gas would be used as fuel in the proposed approximately 60 (net) MW gas-fired combined cycle cogeneration plant to be constructed by CETI at Castleton-on-Hudson, New York. The application indicates that the proposed plant would be a qualifying facility under the Public Utility Regulatory Policies Act of 1978 (PURPA) and is expected to operate at an annual load factor of 93 percent or higher. The plant would produce electricity for sale to Niagara Mohawk and process and heating steam for sale to the Fort Orange Paper Company (Fort Orange).

In support of its application, Salmon asserts that the price of the imported gas will be competitive since it will track the market-sensitive price provided for in the Salmon-CETI contract, which in turn, reflects the costs of competing fuel and generating capacity in the market area served. Further, Salmon asserts that need for the gas is shown by the

contract requirements which are equivalent to 100 percent of the new plant's fuel requirements.

Salmon states that there will be no adverse environmental impact associated with the proposed gas import and, in fact, the local environment will be improved in that the proposed CETI plant would be constructed on land leased from Fort Orange and will replace an existing coal-fired boiler as the sole source of steam for the Fort Orange paper mill.

The decision on Salmon's application for import authority will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Other matters that may be considered in making a public interest determination include need for the gas and security of the long-term supply. Parties that may oppose this application should comment in their responses on the issues of competitiveness, need for the gas, and security of supply as set forth in the policy guidelines. The applicant asserts that this import arrangement is in the public interest because the volumes are needed for a proposed new cogeneration plant, the price of the gas is competitive, and its Canadian supplier is reliable. Parties opposing the import arrangement bear the burden of overcoming these assertions.

NEPA Compliance

The National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*) requires the DOE to give appropriate consideration to the environmental effects of its proposed actions. The Federal Energy Regulatory Commission (FERC) is currently performing an environmental review of the impacts of constructing and operating the proposed facilities related to this project in FERC Docket nos. CP88-171-001 and CP88-712-000. The DOE will independently review the results of the FERC environmental evaluation of this project in the course of making its own environmental determination. No final decision will be issued in this proceeding until the DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for

any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590.

Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Salmon's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056 at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

Issued in Washington, DC, May 18, 1990.

Clifford P. Tomaszewski,
Acting Deputy Assistant Secretary for Fuels
Programs, Office of Fossil Energy.

[FR Doc. 90-12236 Filed 5-25-90; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 90-32-NG]

Midland Cogeneration Venture Limited Partnership; Application for Blanket Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of an application for blanket authorization to import natural gas.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on April 24, 1990, of an application filed by Midland Cogeneration Venture Limited Partnership (MVC), requesting blanket authority to import up to 20 Bcf of Canadian natural gas over a two-year term beginning on the date of first delivery, for use in MVC's cogeneration facility in Midland, Michigan. MVC intends to use existing facilities at Emerson, Manitoba for the transportation of the imported natural gas. MVC also proposed to submit reports to FE within two weeks after the first delivery of the natural gas and quarterly reports 30 days after the end of each calendar quarter giving the full details of the individual transactions.

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204-111 and 0204-127. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., e.s.t., June 28, 1990.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, Room 3F-056, FE50, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION:

Allyson C. Reilly, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-094, 1000 Independence Avenue SW., Washington, DC 20585 (202) 586-9394
Diane Stubbs, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, room 6E-042, 1000

Independence Avenue SW.,
Washington, DC 20585, (202) 586-6667.

SUPPLEMENTARY INFORMATION: MCV, a limited partnership in the State of Michigan, has been organized for the purposes of acquiring, constructing, owning, operating and managing a natural gas, combined-cycle cogeneration facility. MCV requests authority to import competitively priced natural gas from reliable Canadian producers for its own use as additional fuel for its cogeneration facility located in Midland, Michigan.

The decision on the application for import authority will be made consistent with the DOE's natural gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties that may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines. The applicant asserts that this import arrangement will be competitive and thus in the public interest. Parties opposing the arrangement bear the burden of overcoming this assertion.

NEPA Compliance

The National Environmental Policy Act (NEPA), (42 U.S.C. 4321, et seq.) requires the DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until the DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments

received from persons who are not parties will be considered in determining the appropriate action to be taken on the application.

All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations to 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts. If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of MCV's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056 at the above address. The docket room is open between the hours

of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, May 22, 1990.
Clifford P. Tomaszewski,
Acting Deputy Assistant Secretary for Fuels
Programs, Office of Fossil Energy.
[FR Doc. 90-12343 filed 5-25-90; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. FE C&E 90-11; Certification
Notice—59]

Filing Certification of Compliance: Coal Capability of New Electric Powerplant Pursuant to Provisions of the Powerplant and Industrial Fuel Use Act, as Amended

AGENCY: Office of Fossil Energy,
Department of Energy.

ACTION: Notice of filing.

SUMMARY: Title II of the Powerplant and Industrial Fuel Use Act of 1978, as amended, ("FUA" or "the Act") (42 U.S.C. 8301 et seq.) provides that no new electric powerplant may be constructed or operated as a base load powerplant without the capability to use coal or another alternate fuel as a primary energy source (section 201(a), 42 U.S.C. 8311 (a), Supp. V. 1987). In order to meet the requirement of coal capability, the owner or operator of any new electric powerplant to be operated as a base load powerplant proposing to use natural gas or petroleum as its primary energy source may certify, pursuant to section 201(d), to the Secretary of Energy prior to construction, or prior to operation as a base load powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) as of the date it is filed with the Secretary. The Secretary is required to publish in the Federal Register a notice reciting that the certification has been filed. Four owners and operators of proposed new electric base load powerplants have filed self certifications in accordance with section 201(d). Further information is provided in the **SUPPLEMENTARY INFORMATION** section below.

SUPPLEMENTARY INFORMATION: The following companies have filed self certifications:

Name	Date received	Type of facility	Mega-watt capacity	Location
Power Authority of State of New York, New York, NY.....	5-07-90.....	Combined cycle.	150	Long Island, NY.

Name	Date received	Type of facility	Mega-watt capacity	Location
Clay Power Partners, L.P. Ingham Corporation (General Partner), New York, NY.	5-10-90.....	Combined cycle.	225	Onondaga County, NY.
Smithtown Cogeneration, L.P., Melville, NY.....	5-11-90.....	Combined cycle.	77.3	Smithtown, NY.
Delmarva Power & Light Company, Newark, DE.....	5-14-90.....	Combined cycle.	100	New Castle County, DE.

Amendments to the FUA on May 21, 1987, (Pub. L. 100-42) altered the general prohibitions to include only new electric base load powerplants and to provide for the self certification procedure.

Copies of this self certification may be reviewed in the Office of Fuels Programs, Fossil Energy, room 3F-056, FE-52, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, phone number (202) 586-6769.

Issued in Washington, DC on May 21, 1990.

Anthony J. Como,

Director, Office of Coal & Electricity, Office of Fuels Programs, Fossil Energy.

[FR Doc. 90-12237 Filed 5-25-90; 8:45 am]

BILLING CODE 6450-01-M

Advisory Committee on Nuclear Facility Safety; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: Advisory Committee on Nuclear Facility Safety.

Date and time: Friday, June 22, 1990, 8 a.m. to 6 p.m.

Place: The Red Lion Inn-Pasco, 2525 North 20th, Pasco, Washington 99301.

Contact: Wallace R. Kornack, Executive Director, ACNFS, S-2, 1000 Independence Ave., SW., Washington, DC 20585, 202/586-1770.

Purpose of the Committee: The Committee was established to provide the Secretary of Energy with advice and recommendations concerning the safety of the Department's production and utilization facilities, as defined in section 11 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014).

Tentative Agenda

June 22, 1990

8 a.m. Chairman John F. Ahern
Opens Meeting.

Facility Issues at Hanford Site.

Noon Lunch.

1 p.m. Facility Issues at Hanford Site.
Selected Technical Issues.

Subcommittee Reports.

Committee Business.

5 p.m. Break.

5:05 p.m. Public Comment Session.

6 p.m. Meeting Adjourned.

Public Participation: This meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Wallace Kornack at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. This Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: The transcript of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room, IE-190, Forrestal Building, 1000 Independence Ave., SW., Washington, DC., between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on May 23, 1990.

J. Robert Franklin,

Deputy Advisory Committee, Management Officer.

[FR Doc. 90-12344 Filed 5-25-90; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Agency Information Collections under Review by the Office of Management and Budget

AGENCY: Energy Information Administration.

ACTION: Notice of requests submitted for review by the Office of Management and Budget.

SUMMARY: The Energy Information Administration (EIA) has submitted the energy information collection(s) listed at the end of this notice to the Office of Management and Budget (OMB) for review under provisions of the

Paperwork Reduction Act (Pub. L. 96-511, 44 U.S.C. 3501 et seq.) The listing does not include information collection requirements contained in new or revised regulations which are to be submitted under 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by the Department of Energy (DOE).

Each entry contains the following information: (1) The sponsor of the collection (the DOE component or Federal Energy Regulatory Commission (FERC)); (2) Collection number(s); (3) Current OMB docket number (if applicable); (4) Collection title; (5) Type of request, e.g., new, revision, extension, or reinstatement; (6) Frequency of collection; (7) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (8) Affected public; (9) An estimate of the number of respondents per report period; (10) An estimate of the number of responses annually; (11) An estimate of the average hours per response; (12) The estimated total annual respondent burden; and (13) A brief abstract describing the proposed collection and the respondents.

DATES: Comments must be filed on or before June 28, 1990. If you anticipate that you will be submitting comments but find it difficult to do so within the time allowed by this notice, you should advise the OMB DOE Desk Officer listed below of your intention to do so as soon as possible. The Desk Officer may be telephoned at (202) 395-3084. (Also, please notify the EIA contact listed below.)

ADDRESSES: Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW, Washington, DC 20503. (Comments should also be addressed to the Office of Statistical Standards at the address below.)

FOR FURTHER INFORMATION AND COPIES OF RELEVANT MATERIALS CONTACT:
Jay Casselberry, Office of Statistical

Standards (EI-73), Forrestal Building, U.S. Department of Energy, Washington, DC 20585. Mr. Casselberry may be telephoned at (202) 586-2171.

SUPPLEMENTARY INFORMATION: The energy information collection submitted to OMB for review was:

1. Federal Energy Regulatory Commission
2. FERC-583
3. 1902-0136
4. Annual Kilowatt Generating Report (Annual Charges)
5. Revision
6. Annually
7. Mandatory
8. State or local governments, Businesses or other for profit, Non-profit institutions, Small businesses or organizations
9. 630 respondents
10. 630 responses
11. 2 hours per response
12. 1260 hours (total)
13. To carry out the legislative requirements of section 803(e) of the Federal Power Act (FPA) (16 U.S.C. 791a-825r), which directs the Commission to collect annual charges from hydropower licensees for the cost of administering Part 1 of the FPA. This information will be used to determine the charge assessed against licensees for such use.

Authority: Sec. 5(a), 5(b), 13(b), and 52, Pub. L. 93-275, Federal Energy Administration Act of 1974, 15 U.S.C. 764(a), 764(b), 772(b), and 790a.

Issued in Washington, DC May 23, 1990.

Yvonne Bishop,

Director, Statistical Standards, Energy Information Administration.

[FR Doc. 90-12345 Filed 5-25-90; 8:45 am]

BILLING CODE 6450-01-M

Agency Information Collections Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, Energy.

ACTION: Notice of requests submitted for review by the Office of Management and Budget.

SUMMARY: The Energy Information Administration (EIA) has submitted the energy information collection(s) listed at the end of this notice to the Office of Management and Budget (OMB) for review under provisions of the Paperwork Reduction Act (Pub. L. 96-511, 44 U.S.C. 3501 et seq.) The listing does not include information collection requirements contained in new or revised regulations which are to be submitted under 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by the Department of Energy (DOE).

Each entry contains the following information: (1) The sponsor of the collection (the DOE component or Federal Energy Regulatory Commission (FERC)); (2) Collection number(s); (3) Current OMB docket number (if applicable); (4) Collection title; (5) Type of request, e.g., new, revision, extension, or reinstatement; (6) Frequency of collection; (7) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (8) Affected public; (9) An estimate of the number of respondents per report period; (10) An estimate of the number of responses annually; (11) An estimate of the average hours per response; (12) The estimated total annual respondent burden; and (13) A brief abstract describing the proposed collection and the respondents.

DATES: Comments must be filed by June 28, 1990. If you anticipate that you will be submitting comments but find it difficult to do so within the time allowed by this notice, you should advise the OMB DOE Desk Officer listed below of your intention to do so as soon as possible. The Desk Officer may be telephoned at (202) 395-3084. (Also, please notify the EIA contact listed below.)

ADDRESS: Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503. (Comments should also be addressed to the Office of Statistical Standards at the address below.)

FOR FURTHER INFORMATION AND COPIES OF RELEVANT MATERIALS CONTACT:

Jay Casselberry, Office of Statistical Standards (EI-73), Forrestal Building, U.S. Department of Energy, Washington, DC 20585. Mr. Casselberry may be telephoned at (202) 586-2171.

SUPPLEMENTARY INFORMATION: The energy information collection submitted to OMB for review was:

1. Federal Energy Regulatory Commission.
2. FERC-582.
3. 1902-0132.
4. Oil, Gas, and Electric Fees and Annual Charges (RM87-3).
5. Revision.
6. On occasion, Annually.
7. Mandatory.
8. Businesses or other for profit, Small businesses or organizations.
9. 424 respondents.
10. 543 responses.
11. 4.00 hours per response.
12. 2172 hours (total).
13. The FERC requires information in order to assess annual charges and to

review requests from natural gas companies, oil pipelines, and public utilities for waiver from fees and annual charges, imposed under authority provided in the Independent Offices Appropriation Act, 31 U.S.C. 9701 and the Omnibus Reconciliation Act of 1986.

Statutory Authority: Section 5(a), 5(b), 13(b), and 52, Public Law 93-275, Federal Energy Administration Act of 1974, 15 U.S.C. 764(a), 764(b), 772(b), and 790a.

Issued in Washington, DC, May 21, 1990.

Yvonne Bishop,

Director, Statistical Standards, Energy Information Administration.

[FR Doc. 90-12238 Filed 5-25-90; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. QF85-678-004]

Northeastern Power Co.; Application for Commission Recertification of Qualifying Status of a Cogeneration Facility

May 22, 1990.

On May 10, 1990, Northeastern Power Company (Applicant, of 200 South Broad Street, Philadelphia, Pennsylvania 19102, submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility is located in Schuylkill County, Pennsylvania. The facility consists of a circulating fluidized bed boiler and an extraction steam turbine generating unit. Extraction steam produced from the facility is used in a hydroponic greenhouse. The primary energy source is anthracite culm and anthracite silt. The facility commenced commercial operations in October 1989.

The certification of the facility was originally issued on June 12, 1986 (35 FERC ¶ 62,468 (1986)), and recertifications were issued on February 12, 1987 (38 FERC ¶ 62,153 (1987)) and October 23, 1989 (49 FERC ¶ 62,062 (1989)). The instant recertification is requested due to an increase in the facility's net electric power production capacity from 50 MW to 55 MW. All other project characteristics remain unchanged from those described in Applicant's prior filings.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy

Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 90-12278 Filed 5-25-90; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 943-037, Washington]

Public Utility District No. 1 of Chelan County, Availability of Environmental Assessment

May 21, 1990.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's regulations, 18 CFR part 380 (Order No. 486, 52 FR 47910), the Office of Hydropower Licensing (OHL) has reviewed the proposal for constructing the Methow River summer chinook salmon acclimation pond for the Rock Island Project in Chelan County, Washington. This facility is part of the mitigation defined in the Rock Island settlement agreement that was adopted by order of the Commission dated January 18, 1989, for the Rock Island Project. The staff of OHL's Division of Project Compliance and Administration has prepared an environmental assessment (EA) for the proposed action. In the EA, staff concludes that approval of construction of the proposed fish acclimation pond will not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Reference and Information Center, Room 3308, of the Commission's offices at 944 North Capitol Street, NW., Washington, DC 20426.

Lois D. Cashell,
Secretary.

[FR Doc. 90-12267 Filed 5-25-90; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 943-038, Washington]

Public Utility District No. 1 of Chelan County, Availability of Environmental Assessment

May 21, 1990.

In accordance with the National Environmental Policy Act of 1969 and the Federal Regulatory Commission's regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing (OHL) has reviewed the proposal for constructing the Wenatchee River summer chinook salmon acclimation pond for the Rock Island Project in Chelan County, Washington. This facility is part of the mitigation defined in the Rock Island settlement agreement that was adopted by order of the Commission dated January 18, 1989, for the Rock Island Project. The staff of OHL's Division of Project Compliance and Administration has prepared an environmental assessment (EA) for the proposed action. In the EA, staff concludes that approval of construction of the proposed fish acclimation ponds would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, Room 1000, of the Commission's offices at 825 North Capitol Street, NE., Washington, DC 20426.

Lois D. Cashell,
Secretary.

[FR Doc. 90-12268 Filed 5-25-90; 8:45 am]
BILLING CODE 6717-01-M

[Mesa II Project; Project No. 8497-003]

Availability of Environmental Assessment

May 21, 1990.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for a major license for the Mesa II Hydroelectric Project, which would be located on the Middle Fork of the Weiser River in Adams County, near Council, Idaho, and prepared an Environmental Assessment (EA) for the proposed project. In the EA, the Commission's staff has analyzed the potential environmental impacts of the proposed project and concluded that approval of the proposed project, with appropriate mitigation measures, would not constitute a major federal action

significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, Room 3308, of the Commission's offices at 941 North Capitol Street, NE., Washington, DC 20426.

Lois D. Cashell,
Secretary.

[FR Doc. 90-12266 Filed 5-25-90; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 10421-000, Washington]

Skagit River Hydro; Surrender of Preliminary Permit

May 21, 1990.

Take notice that Skagit River Hydro, Permittee for the Howard Creek Project No. 10421, has requested that its preliminary permit be terminated. The preliminary permit for Project No. 10421 was issued November 2, 1987, and would have expired October 31, 1990. The project would have been located on Howard Creek near Burlington in Skagit County, Washington.

The Permittee filed the request on April 26, 1990, and the preliminary permit for Project No. 10421 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR part 4, may be filed on the next business day.

Lois D. Cashell,
Secretary.

[FR Doc. 90-12269 Filed 5-25-90; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP90-22-009]

Algonquin Gas Transmission Co. Compliance Filing

May 22, 1990.

Take notice that Algonquin Gas Transmission Company ("Algonquin") on May 15, 1990, tendered for filing the electronic version of Alternate Twelfth Revised Sheet No. 324 and Fourth Revised Sheet No. 266 Algonquin states that such filing is in compliance with the Commission's Letter Order of May 7, 1990 in Docket No. RP90-22-007.

Algonquin states that this filing is made solely for the purposes of submitting an electronic version of the subject tariff sheets in compliance with the Commission's Letter Order of May 7, 1990 and that no changes are proposed.

Algonquin notes that copies of this filing were served upon each affected party and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1989)). All such protests should be filed on or before May 30, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90-12270 Filed 5-25-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP90-115-000]

Arkla Energy Resources, a Division of Arkla, Inc.; Proposed Change in FERC Gas Tariff

May 22, 1990.

Take notice that on May 15, 1990, Arkla Energy Resources, a division of Arkla, Inc., ("AER") tendered for filing the following tariff sheets to its FERC Gas Tariff, Original Volume No. 1-A:

Second Revised Sheet No. 76B
Original Sheet No. 76C

AER states that these tariff sheets are filed to institute an open season for requests for new firm transportation service for capacity which it expects to be available on November 1, 1990. AER proposes an effective date of May 15, 1990.

Any person desiring to be heard or protest the subject filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211. All such motions or protests must be filed by May 30, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90-12273 Filed 5-25-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TM90-632-001 and RP89-98-013]

Colorado Interstate Gas Co.; Compliance Filing

May 22, 1990.

Take Notice that Colorado Interstate Gas Company ("CIG"), on May 16, 1990, tendered for filing the following tariff sheet to revise its FERC Gas Tariff, Original Volume No. 1:

Substitute Original Sheet No. 61G12-E

CIG states that the above-referenced tariff sheet is being filed in compliance with the Commission's order issued in these dockets to reflect the election of an alternate Amortization Period for recovery of the respective Buyout-Buydown Obligation in Docket No. TM90-6-32 for one of CIG's affected customers.

CIG states that the provision to allow affected customers the option of electing alternate Amortization Periods is contained in CIG's Volume No. 1 Tariff and was approved and accepted by the Commission's Order of March 31, 1989, in Docket No. RP89-98.

CIG states that copies of the filing were served upon all of the parties to these proceedings and affected state commissions as well as all of CIG's firm sales customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motion or protests should be filed on or before May 30, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 90-12274 Filed 5-25-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER90-247-000]

Montaup Electric Co., Eastern Edison Co., Blackstone Valley Electric Co. Initiation of Proceeding and Refund Effective Date

May 22, 1990.

Take notice that on May 4, 1990, the Commission issued an order in this proceeding initiating a proceeding under section 206 of the Federal Power Act, as amended by the Regulatory Fairness Act of 1988.

Refund effective date: 60 days after Federal Register publication.

Lois D. Cashell,

Secretary.

[FR Doc. 90-12265 Filed 5-25-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP90-117-000]

Northern Border Pipeline Co.; Proposed Changes in FERC Gas Tariff

May 22, 1990.

Take notice that on May 17, 1990, Northern Border Pipeline Company (Northern Border) tendered for filing to become part of Northern Border Pipeline Company's FERC Gas Tariff, Original Volume No. 1, the following revised tariff sheets:

Third Revised Sheet Number 100
First Revised Sheet Numbers 101, 102, 106, 107a, and 107b
Fourth Revised Sheet Number 108
First Revised Sheet Number 114
Eighth Revised Sheet Number 157
Sixth Revised Sheet Number 158
First Revised Sheet Numbers 200, 206, 208, and 235
Third Revised Sheet Number 253
First Revised Sheet Numbers 410, 411, 412, 413, 414, 415, 416, and 417

The purpose of the tariff filing is (1) To decrease the Maximum Rate from 7.346 cents to 7.317 cents per 100 Dekatherm-Miles and the Minimum Revenue Credit from 4.330 cents to 3.809 cents per 100 Dekatherm-Miles, in accordance with Northern Border's tariff provisions under Rate Schedule IT-1, and (2) to reflect changes in Northern Border's FERC Gas Tariff, Original Volume No. 1, consistent with the terms of the recently executed Northern Border Loan Agreement dated February 28, 1990 and revisions to the TransCanada Service Agreement.

Northern Border has requested that these revised tariff sheets be effective July 1, 1990. Copies of this filing have been sent to all of Northern Border's contracted shippers.

Any person desiring to be heard or to protest said filing should file a petition

to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before May 30, 1990. Protests will be considered but do not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Copies of this filing are on file with the Commission and are available for public inspection.

Lois Cashell,

Secretary.

[FR Doc. 90-12275 Filed 5-25-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP90-82-000]

Northern Natural Gas Co.; Permitting the Filing of Statements of Position

Issued May 21, 1990.

On April 26, 1990, a technical conference was convened in the referenced docket. This notice is to advise that interested parties may file initial statements of position with the Commission on or before June 8, 1990, and may file reply comments with the Commission on or before June 19, 1990. Any statements of position or reply comments are limited to issues raised at the technical conference. Statements or comments should be filed with the Secretary of the Commission and served on all parties.

Lois D. Cashell,

Secretary.

[FR Doc. 90-12277 Filed 5-25-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP90-116-000]

Northwest Alaskan Pipeline Co.; Tariff Changes

May 22, 1990.

Take notice that on May 16, 1990, Northwest Alaskan Pipeline Company ("Northwest Alaskan"), 295 Chipeta Way, Salt Lake City, Utah 84158-0900, tendered for filing in Docket No. RP90-116 Twenty-Sixth Revised Sheet No. 5 to its FERC Gas Tariff Original Volume No. 2.

Northwest Alaskan states that it is submitting Twenty-Sixth Revised Sheet No. 5 reflecting a decrease in total demand charges for Canadian gas purchased by Northwest Alaskan from Pan-Alberta Gas Ltd. ("Pan-Alberta") and resold to Northwest Alaskan's four

U.S. purchasers, Northern Natural Gas Company ("Northern"), Panhandle Eastern Pipe Line Company ("Panhandle"), Natgas U.S. Inc. ("Natgas") and Pacific Interstate Transmission Company ("PIT") under Rate Schedules X-1, X-2, X-3 and X-4, respectively.

Northwest Alaskan states that it is submitting Twenty-Sixth Revised Sheet No. 5 pursuant to the provisions of the amended purchase agreements between Northwest Alaskan and Northern, Panhandle, Natgas and PIT, and pursuant to Rate Schedules X-1, X-2, X-3, and X-4, which provide for Northwest Alaskan to file 45 days prior to the commencement of the next demand charge period (July 1, 1990 through December 31, 1990) the demand charges and demand charge adjustments which Northwest Alaskan will charge during that period.

Northwest Alaskan requests that Twenty-Sixth Revised Sheet No. 5 become effective July 1, 1990.

Northwest Alaskan states that a copy of this filing has been served on Northwest Alaskan's customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before May 30, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90-12271 Filed 5-25-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TM90-3-42-004 RP90-49-002 CP88-99-013 and TM90-5-42-001]

Transwestern Pipeline Co.; Compliance Filing

May 22, 1990.

Take notice that Transwestern Pipeline Company (Transwestern) on May 16, 1990 tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheet:

Effective March 1, 1990

Substitute 1st Revised Sheet No. 5M

Statement of Purpose, Reason and Nature of Filing

On February 28, 1990, Transwestern filed a tariff sheet to direct bill purchased gas costs accumulated in Account No. 191 during the period October 1 through December 31, 1989. These gas costs relate to gas purchases prior to October 1, 1989, the date when Transwestern's purchased gas adjustment clause terminated.

By order dated March 29, 1990, the Commission accepted the tariff sheet filed February 28, 1990 subject to refund and certain conditions. In addition, the March 29, 1990 Order directed Transwestern to recalculate the carrying charges in the February 28, 1990 filing in conformance with the December 29, 1989 Order in this proceeding. Specifically, this order required Transwestern to apportion the carrying charges corresponding to gas cost adjustments relating to periods prior to February 1, 1989 using the percentages of 85.7 percent to Southern California Gas Company (SoCalGas) and 14.3 percent to Williams Natural Gas Company. By contrast, the order required Transwestern to direct bill SoCalGas all the carrying charges corresponding to gas cost adjustments relating to the period February 1 to September 30, 1989.

Ordering Paragraph (A) of the March 29, 1990 Order required Transwestern to file a revised tariff sheet in accordance with the March 29, 1990 Order.¹ Pursuant to and in compliance with the March 29, 1990 Order, Transwestern submitted the above referenced tariff sheet and a supporting work paper.

Transwestern respectfully requests that the Commission grant any and all waivers of its rules, regulations and orders as may be necessary so as to permit the above listed tariff sheet to become effective March 1, 1990, as provided in the March 29, 1990 Order.

Copies of the filing were served on Transwestern's jurisdictional customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1989)). All such protests should be filed on or before May 30, 1990. Protests will be considered by the Commission in determining the appropriate action to be

¹ By order issued April 12, 1990 in this proceeding, the Commission granted Transwestern an extension of time, until and including May 16, 1990, to file the tariff sheet required by the March 29, 1990 Order.

taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90-12272 Filed 5-25-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP82-487-030 et al. (Phases II and III)]

Williston Basin Interstate Pipeline Co.; Compliance Filing

May 22, 1990.

Take notice that on May 11, 1990, Williston Basin Interstate Pipeline Company (Williston Basin), Suite 200, 304 East Rosser Avenue, Bismarck, ND 58501, tendered for filing certain revised tariff sheets to First Revised Volume No. 1, Original Volume No. 1-A, Original Volume No. 1-B and Original Volume No. 2 of its FERC Gas Tariff.

Williston Basin states that the revised tariff sheets were filed in compliance with the Commission's "Order Affirming in Part and Reversing in Part Initial Decision" (Opinion No. 331) issued July 31, 1989 and "Order Denying Rehearing and Denying Stay" (Opinion No. 331-A) issued March 27, 1990. The revised tariff sheets cover the period from November 1, 1989 through April 2, 1990.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1989)). All such protests should be filed on or before May 30, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90-12276 Filed 5-25-90; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Cases Filed During the Week of April 6 Through April 13, 1990

During the Week of April 6 through April 13, 1990, the refund applications listed in the appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

Dated: May 21, 1990.

George B. Breznay,

Director, Office of Hearings and Appeals.

REFUND APPLICATION RECEIVED

[Week of Apr. 6 to Apr. 13, 1990]

Date received	Name of Refund Proceeding/ Name of Refund Applicant	Case No.
4/09/90	Antley's Gulf State.....	RF300-11085
4/09/90	Braxton Fuel Oil Co.....	RF300-11088
4/09/90	Look Brothers, Inc.....	RF300-11084
4/09/90	Rabon's Gulf Service.....	RF300-11086
4/09/90	Ralph Gonzales Trucking.....	RF300-11087
4/11/90	Automatic Gas Company, Inc.....	RF300-11090
4/11/90	C.E. Herring Store.....	RF300-11092
4/11/90	Lyons Butane Gas Co., Inc.....	RF300-11091
4/11/90	Primerica Corp.....	RF300-11089
4/12/90	Barlons Exxon, Inc.....	RF307-10117
4/13/90	W.R. Grace Dist. Services, Inc.....	RF300-11083
4/06/90	Shell Oil Refund, Applications Received.	RF315-9929 thru RF315-9941
4/13/90	Atlantic Richfield, Applications Received.	RF304-11681 thru RF304-11691
4/06/90	Crude Oil Refund, Applications Received.	RF272-78564 thru RF272-78576
4/13/90	Texaco Refund, Applications Received.	RF321-3261 thru RF321-3679

[FR Doc. 90-12239 Filed 5-25-90; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3782-9]

Science Advisory Board; Ecological Processes and Effect Committee; Open Meeting

Under Public Law 92-463, notice is hereby given that a meeting of the

Ecological Processes and Effect Committee of the Science Advisory Board will be held on June 20, 1990, at the Days Hotel, 2000 Jefferson Davis Highway, Arlington, VA., 22202. The meeting will start at 9 a.m. on June 20, and will adjourn no later than 5 p.m., and open to the public. This is a working meeting of the Committee that will be used to develop plans for fiscal year 1991 and review draft reports of the subcommittees.

An agenda for the meeting is available from Frances Dolby, Staff Secretary, Science Advisory Board (A101F), U.S. Environmental Protection Agency, Washington, DC 20460 (202-382-2552). Members of the public desiring additional information should contact Dr. Edward S. Bender, Executive Secretary, Ecological Processes and Effects Committee, by telephone at the number noted above or by mail to the Science Advisory Board (A101F), 401 M Street, SW., Washington, DC., 20460 no later than June 11, 1990. Anyone wishing to make a presentation at the meeting should forward a written statement to Dr. Bender by June 11, 1990. The Science Advisory Board expects that the public statements presented at its meetings will not be repetitive of previously submitted written statements. In general, each individual or group making an oral presentation will be limited to a total time of ten minutes. Seating at the meetings will be on a first come basis.

Dated: May 23, 1990.

Donald G. Barnes,

Director, Science Advisory Board.

[FR Doc. 90-12326 Filed 5-25-90; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3782-8]

Science Advisory Board; Radiation Advisory Committee; The National Radon Survey Review Subcommittee; Open Meeting

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given of a public meeting of the National Radon Survey Review Subcommittee of the Science Advisory Board's Radiation Advisory Committee will meet Thursday and Friday, June 14-15, 1990 at the St. James Hotel, 950 24th Street, NW., Washington DC. The meeting will begin at 9 a.m., Thursday and end by 5 p.m., Friday.

BACKGROUND: The purpose of the meeting is to review "Design of a National School Radon Survey" prepared by the Research Triangle

Institute for the Office of Radiation Programs at the Environmental Protection Agency. Copies of this document are available from the Office of Radiation Programs from David Rowson (202/475-9622).

FOR FURTHER INFORMATION: The meeting is open to the public; however, seating is limited and is on a first come basis. Members of the public wishing to provide comment (written or oral) or to attend the meeting should call Mrs. Dorothy Clark or Mrs. Kathleen Conway at (202) 382-2552 by Monday June 11.

Dated: May 22, 1990.

Donald G. Barnes,

Director, Science Advisory Board.

[FR Doc. 90-12327 Filed 5-25-90; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3782-4]

Science Advisory Board, Radiation Advisory Committee, Radionuclides in Drinking Water Subcommittee; Series of Conference Call Meetings

Under the Public Law 92-463, notice is hereby given that the radionuclides in Drinking Water Subcommittee of the Science Advisory Board's Radiation Advisory Committee will hold a series of conference calls in June and July 1990 to review four criteria documents on radionuclides in drinking water. The calls are currently scheduled for Mondays at 12 to 2 p.m. EDT on June 4, 11, and 18 and also on July 9 and 23.

The Subcommittee will review criteria Documents on gross beta, radium, radon, and uranium. The documents are available from Mr. Greg Helms (WH-550D), Office of Drinking Water, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 475-8049.

Members of the public may participate by providing oral or written comment or by listening to the calls. However, the availability to participate is limited by the nature of the conference call equipment. Opportunities for oral comments will be limited to a total of 15 minutes per day. Written comment should be submitted (six copies) two weeks in advance. Members of the public wishing further information should call either Mrs. Dorothy Clark or Mrs. Kathleen Conway at 202/382-2552. Those wishing to participate in the any conference calls should call by noon on the Friday before the scheduled call (by noon May 25 for the June 4 call).

A briefing on these documents will be provided at the previously announced

Radiation Advisory Committee meeting May 17-18, 1990 in Washington, DC and the Subcommittee will almost certainly present its report to the Radiation Advisory Committee at a public meeting in October 1990.

Dated: May 18, 1990.

Donald G. Barnes,

Director, Science Advisory Board.

[FR Doc. 90-12333 Filed 5-25-90; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3712-8]

System of Records Privacy Act; Radon Contractor Proficiency Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of new Privacy Act System of Records.

SUMMARY: As required by the Privacy Act, 5 U.S.C. 552a, the U.S. Environmental Protection Agency is publishing for comment a system of records. This system is the "Radon Contractor Proficiency Program." EPA will use this information to evaluate the proficiency of radon mitigation contractors and to make available to the public information regarding the identities of radon mitigation contractors that meet the requirements of EPA's Radon Contractor Proficiency Program (RCP).

EFFECTIVE DATE: The Environmental Protection Agency is requesting a waiver from the Office of Management and Budget (OMB) of its sixty-day advance review period. If OMB grants the waiver, this system shall become established formally thirty days after publication unless comments are received which would result in a contrary determination.

ADDRESSES: Comments may be submitted to Jed Harrison, Acting Chief, Mitigation, Prevention and Quality Assurance Branch, Radon Division, Office of Radiation Programs (ANR-464), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Jed Harrison at (202) 475-9623.

SUPPLEMENTARY INFORMATION: Section 305 of Title III (Indoor Radon Abatement) of the Toxic Substances Control Act, 15 U.S.C. 2665, enacted on October 28, 1988, mandates that the Agency establish a voluntary proficiency program for rating the effectiveness of firms and individuals offering radon mitigation services. In response to that mandate, EPA has

developed the Radon Contractor Proficiency Program (RCP), a voluntary program which requires participants to meet certain training requirements, pass national proficiency exams, and follow the Agency's mitigation guidelines when utilizing radon reduction methods in homes and larger buildings.

The goal of the program is to help ensure that the participants are proficient in the mitigation services they provide and to make available a Proficiency List, containing the names of radon mitigators that have met the requirements of the program. These names will be made available to the public through proficiency lists that will be distributed to State and local governments.

The aforementioned data will be collected and maintained by the program's primary contractor. The distribution and scoring of tests will be conducted by a secondary contractor and information regarding scoring will be forwarded to the primary contractor. EPA is including in the application packages that are forwarded to radon mitigators wishing to enter the Agency's program, a Privacy Act Statement describing the routine use disclosures which may be made of records in this system.

Dated: March 30, 1990.

Charles L. Grizzle,

Assistant Administrator for Administration and Resources Management.

EPA-26

SYSTEM NAME:

Radon Contractor Proficiency Program (RCP)—EPA/OAR.

SECURITY CLASSIFICATION: NONE.

SYSTEM LOCATION:

All records are maintained by and at the facilities of EPA's contractor. For the name and address of the contractor, contact the System Manager at the address below. A list of proficient contractors (name, business address and telephone number) will be maintained at the EPA Radon Division, Office of Radiation Programs, 401 M Street, SW., Washington, DC 20460.

CATEGORIES OF INDIVIDUALS IN THE SYSTEM:

Individuals who have requested to participate in the training and/or the examination for the Radon Contractor Proficiency Program.

CATEGORIES OF RECORDS IN SYSTEM:

The system contains basic identification information such as name, social security number, home address,

telephone number, company for which the individual works, company address, and company telephone number. In addition, the system contains information pertinent to the Radon Contractor Proficiency Program, such as prior radon mitigation training, work experience, radon measurement services, company affiliation, and selection of examination dates. Also included are Radon Contractor Proficiency Examination scores, correspondence and related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 305 of Title III (Indoor Radon Abatement) of the Toxic Substances Control Act, 15 U.S.C. 2665.

PURPOSE(S):

EPA will use this information to evaluate the proficiency of radon mitigation contractors and to ultimately provide information to the public regarding the identities of proficient mitigators. The Agency will distribute to State and local governments a listing of the names of individuals who meet the requirements of the Radon Contractor Proficiency Program, the company with whom they are employed, company address, and company telephone number. This listing will also be made available to the public upon request.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure of information may be made:

1. To a member of Congress or a congressional office in response to an inquiry from that member or office made at the request of the individual to whom the record pertains.
2. To EPA contractors who have been engaged to maintain and operate this system of records and to otherwise assist EPA in the performance of activities related to this system and who need to have access to the records in order to perform under the contract. Contractors are required to maintain the records in accordance with the requirements of the Privacy Act.
3. To State and local governments (limited to contractor proficiency listing) for ultimate distribution to the public.
4. To appropriate Federal, State, and local agencies responsible for investigating, prosecuting, enforcing or implementing a statute, rule, regulation, or order, where there is an indication of a violation or potential violation of the statute, rule, regulation, or order, and the information disclosed is relevant to the matter.
5. To the Department of Justice to the extent that each disclosure is

compatible with the purpose for which the record was collected and is relevant and necessary to litigation or anticipated litigation in which one of the following is a party or has an interest: (a) EPA or any of its components, (b), an EPA employee in his or her official capacity, (c) an EPA employee in his or her individual capacity where the Department of Justice is representing or considering representation of the employee, or (d) the United States where EPA determines that litigation is likely to affect the Agency.

6. In a proceeding before a court, other adjudicative body or grand jury, or in an administrative or regulatory proceeding, to the extent that each disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to the proceeding in which one of the following is a party or has an interest: (a) EPA or any of its components, (b) an EPA employee in his or her official capacity, (c) an EPA employee in his or her individual capacity where the Department of Justice is representing or considering representation of the employee, or (d) the United States where EPA determines that the litigation is likely to affect the agency. Such disclosures include, but are not limited to, those made in the course of presenting evidence, conducting settlement negotiations, and responding to subpoenas and requests for discovery.

7. To representatives of the General Services Administration and the National Archives and Records Administration who are conducting records management inspections under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Various portions of the system are maintained on computer disks and hardcopy files.

RETRIEVABILITY:

Information is retrieved from the computer data base by addressing any type of data contained in the data base, including individual names. An individual's Radon Contractor Proficiency Program identification number may be used to manually access materials in hardcopy files.

SAFEGUARDS:

Only authorized contractor employees have access to the system on a need-to-know basis. Authorized EPA personnel will have access to lists of proficient mitigators. Records on the computer disk are protected from access by

unique passwords and log-on procedures. Hardcopy files are kept in security storage with the contractor.

RETENTION AND DISPOSAL:

Information in this system is maintained and updated for as long as the Radon Contractor Proficiency Program remains in effect or until an individual specifies that he or she no longer wants to participate in the program and wants to be taken off the system. Computer data will be erased and hardcopy will be shredded.

SYSTEM MANAGER AND ADDRESS:

Chief, Mitigation, Prevention and Quality Assurance Branch, Office of Radiation Programs, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

NOTIFICATION PROCEDURE:

Inquiries by individuals regarding their records should be addressed to the system manager and should include the individual's RCP identification number and signature.

RECORD ACCESS PROCEDURES:

Same as notification procedures. In addition, the record contents being sought should be specified.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. The record and the specific information being contested should be identified. The corrective action sought and supporting justification for the corrective action should be provided by the individual.

RECORD SOURCE CATEGORIES:

The records are furnished by the individuals identified in the system and the EPA Contractor scoring proficiency exams.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 90-12334 Filed 5-25-90; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for clearance in accordance

with the Paperwork Reduction Act (44 U.S.C. chapter 35).

Type: Revision of 3067-0195.

Title: Community Rating System (CRS) Program—Application Worksheets and Commentary.

Abstract: The Community Rating System (CRS) Program establishes a system for the Federal Emergency Management Agency's Federal Insurance Administration to grade a community's floodplain management activities to determine flood insurance rates for the community. Communities exercising floodplain management activities that exceed Federal minimum standards qualify for lower insurance rates.

The Application Worksheets and Commentary (instructions for preparing the application worksheets), Edition 1:2/1/90, will be used to apply to the CRS Program when it is implemented October 1, 1990.

Type of Respondents: State and local governments

Estimate of Total Annual Reporting and Recordkeeping Burden: 19,200

Number of Respondents: 1,200

Estimated Average Burden Hours Per Response: 16 Hours

Frequency of Response: Other—once per respondent with annual updates regarding participation.

Copies of the above information collection request and supporting documentation can be obtained by calling or writing the FEMA Clearance Office, Linda Borrer, (202) 646-2624, 500 C Street, SW., Washington, DC 20472.

Direct comments regarding the burden estimate or any aspect of this information collection, including suggestions for reducing this burden, to: the FEMA Clearance Officer at the above address; and to Gary Waxman, (202) 395-7340, Officer of Management and Budget, 3235 New Executive Office Building, Washington, DC 20503 within four weeks of this notice.

Dated: May 16, 1990.

Gail Kercheval,

Acting Director, Office of Administrative Support.

[FR Doc. 12316 Filed 5-25-90; 8:45 am]

BILLING CODE 6718-01-M

[FEMA-865-DR]

Major Disaster and Related Determinations; Arkansas

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major

disaster for the State of Arkansas (FEMA-865-DR), dated May 15, 1990, and related determinations.

DATED: May 15, 1990.

FOR FURTHER INFORMATION CONTACT: Patricia S. Bowman, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-2661.

NOTICE: Notice is hereby given that, in a letter dated May 15, 1990, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*, Pub. L. 93-288, as amended by Pub. L. 100-707), as follows:

I have determined that the damage in certain areas of the State of Arkansas resulting from a severe storm and flooding beginning on May 1, 1990, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of Arkansas.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, and redelegated to me, I hereby appoint Mr. Robert D. Broussard of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Arkansas to have been affected adversely by this declared major disaster:

The counties of Benton, Boone, Carroll, Crawford, Faulkner, Franklin, Jefferson, Johnson, Little River, Logan, Madison, Marion, Newton, Perry, Polk, Pope, Pulaski, Scott, Sebastian, and Yell for Individual Assistance; and

The counties of Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Polk, Pope, Scott, Sebastian, and Yell for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Robert H. Morris,

Acting Director, Federal Emergency Management Agency.

[FR Doc. 90-12317 Filed 5-25-90; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-865-DR]

Amendment to Notice of a Major Disaster Declaration; Arkansas

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Arkansas (FEMA-865-DR), dated May 15, 1990, and related determinations.

DATED: May 20, 1990.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

NOTICE: The notice of a major disaster for the State of Arkansas, dated May 15, 1990, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 15, 1990:

The counties of Clay and Garland for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Grant C. Peterson,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 90-12318 Filed 5-25-90; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-864-DR]

Major Disaster and Related Determinations, Hawaii

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Hawaii (FEMA-864-DR), dated May 18, 1990, and related determinations.

DATED: May 21, 1990.

FOR FURTHER INFORMATION CONTACT: Sandra E. Dixon, Disaster Assistance Programs, Federal Emergency Management Agency, Washington DC 20472 (202) 646-4066.

NOTICE: Notice is hereby given that, in a letter dated May 18, 1990, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*; Pub. L. 93-288, as amended by Pub. L. 100-707), as follows:

I have determined that the damage in certain areas of the State of Hawaii, resulting from lava flows from the Pu' O' and the Kupaianaha Vents of the Kilauea Volcano beginning on January 24, 1983, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288, as amended by Public Law 100-707. I, therefore, declare that such a major disaster exists in the State of Hawaii.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual and Public Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental any Federal funds provided under PL 93-288, as amended by PL 100-707, for Public Assistance will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310 (a), Priority to certain Applications for Public Facility and Public Housing Assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Frank Kishton of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Hawaii to have been affected adversely by this declared major disaster:

The Island of Hawaii for Individual and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Antonio Lopez,

Acting Director, Federal Emergency Management Agency.

[FR Doc. 90-12319 Filed 5-25-90; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-866-DR]

Major Disaster and Related Determinations; Oklahoma

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Oklahoma (FEMA-866-DR), dated May 18, 1990, and related determinations.

DATED: May 18, 1990.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

NOTICE: Notice is hereby given that, in a letter dated May 18, 1990, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*, Pub. L. 93-288, as amended by Pub. L. 100-707), as follows:

I have determined that the damage in certain areas of the State of Oklahoma, resulting from severe storms, flooding, and tornadoes beginning on April 14, 1990, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of Oklahoma.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Warren M. Pugh of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Oklahoma to have been affected adversely by this declared major disaster:

The counties of Atoka, Bryan, Carter, Johnston, Lincoln, Love, Marshall, McIntosh, Murray, Pittsburg, Pottawatomie, Roger Mills, and Sequoyah for Individual Assistance; and

The counties of Atoka, Bryan, Carter, Johnston, Lincoln, Love, Marshall,

McIntosh, Murray, Pittsburg, Pottawatomie, and Roger Mills for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Antonio Lopez,

Acting Director, Federal Emergency Management Agency.

[FR Doc. 90-12320 Filed 5-25-90; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-863-DR]

Amendment to Notice of Major Disaster Declaration; Texas

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Texas (FEMA-863-DR), dated May 2, 1990, and related determinations.

DATED: May 18, 1990.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

NOTICE: The notice of a major disaster for the State of Texas, dated May 2, 1990, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 2, 1990:

The counties of Henderson, Leon, Madison, Polk, and San Jacinto for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Grant C. Peterson,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 90-12321 Filed 5-25-90; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-863-DR]

Amendment to Notice of Major Disaster Declaration; Texas

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Texas (FEMA-863-DR), dated May 2, 1990, and related determinations.

DATED: May 19, 1990.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency

Management Agency, Washington, DC 20472, (202) 646-3614.

NOTICE: The notice of a major disaster for the State of Texas, dated May 2, 1990, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 2, 1990:

The counties of Clay, Houston, and Trinity for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.) (Billing Code 6718.02.)

Grant C. Peterson,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 90-12322 Filed 5-25-90; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10220. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-200087-003.

Title: Port of Oakland/Maersk Pacific Ltd. Terminal Agreement.

Parties:

Port of Oakland
Maersk Pacific Ltd.

Synopsis: The Agreement amends the basic agreement to reflect the realignment of the assigned premises to provide for an extension of berth length and the addition of 2.81 acres. The Agreement sets forth the minimum annual tariff guarantee and breakpoint level as the result of the added area.

Agreement No.: 224-200358.

Title: Maryland Port Administration/Puerto Rico Maritime Shipping Authority.

Parties:

Maryland Port Administration (MPA)

Puerto Rico Maritime Shipping Authority (PRMSA).

Synopsis: The Agreement provides for MPA to pay PRMSA an incentive of \$3.00 per loaded container and \$.40 per ton for RO/RO cargo. The incentive is restricted to such cargo coming into or going out of the MPA marine terminals by waterborne movement. The Agreement's term expires December 31, 1990.

Agreement No.: 224-001875-003.

Title: Port of Tacoma/Kaiser Aluminum & Chemical Corporation Terminal Agreement.

Parties:

Port of Tacoma
Kaiser Aluminum & Chemical Corporation.

Synopsis: The Agreement amends the basic agreement to increase the wharfage, service and facilities, and crane rental charges.

Agreement No.: 224-200355.

Title: Port of San Francisco/Flota Mercante Grancolombiana, S.A. Terminal Agreement.

Parties:

San Francisco Port Commission (Port)
Flota Mercante Grancolombiana, S.A. (Flota).

Synopsis: The Agreement provides that, as consideration for Flota's agreement to make the Port of San Francisco its published regularly scheduled Northern California port of call, Flota will pay the Port dockage and wharfage rates at less than 100 percent of those named in the Port's Tariff No. 3-C. The Agreement's term is five years.

Agreement No.: 224-200356.

Title: Maryland Port Administration/Hapag-Lloyd (America) Inc. Terminal Agreement.

Parties:

Maryland Port Administration (MPA)
Hapag Lloyd (America) Inc. (Hapag-Lloyd).

Synopsis: The Agreement provides for MPA to pay Hapag-Lloyd an incentive of \$3.00 per loaded container and \$.40 per ton for Ro/Ro cargo. The incentive is restricted to such cargo coming into or going out of the MPA marine terminals by waterborne movement. The Agreement's term expires December 31, 1990.

Dated: May 23, 1990.

By Order of the Federal Maritime Commission.

Ronald D. Murphy,
Assistant Secretary.

[FR Doc. 90-12346 Filed 5-25-90; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

First Ascension Bancorp, Inc., et al.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than June 18, 1990.

A. Federal Reserve Bank of Atlanta
(Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *First Ascension Bancorp, Inc.*, Gonzales, Louisiana; to become a bank holding company by acquiring 99.33 percent of the voting shares of First National Bank of Gonzales, Gonzales, Louisiana.

B. Federal Reserve Bank of St. Louis
(Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *U.S.B. Corporation*, Washington, Indiana; to merge with Martinco Financial Corp., Shoals, Indiana, and thereby indirectly acquire The Martin County Bank, Shoals, Indiana.

Board of Governors of the Federal Reserve System, May 22, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-12284 5-25-90; 8:45 am]

BILLING CODE 6210-01-M

Community Grain Co.; Change in Bank Control; Correction

This notice corrects a previous **Federal Register** Notice (FR Doc. 90-6387) published at page 1,265 of the issue for Friday, January 12, 1990.

Under the Federal Reserve Bank of Chicago, the entry for Community Grain Company is amended to read as follows:

1. *William C. Hess*, Coon Rapids, Iowa; as trustee for the Antonia Lee Irrevocable Trust, to retain 25.5 percent of the voting shares of Community Grain Company, Coon Rapids, Iowa, and thereby indirectly retain Iowa Saving Bank, Coon Rapids, Iowa.

Comments on this application must be received by June 12, 1990.

Board of Governors of the Federal Reserve System, May 22, 1990.

Jennifer J. Johnson,
Associate Secretary of the Board.

[FR Doc. 90-12285 Filed 5-25-90; 8:45 am]
BILLING CODE 6210-01-M

Ms. Jane Ross; Change in Bank Control Notice; Acquisition of Shares of Banks or Bank Holding Companies.

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. § 1817(j)(7)).

The notice is available for immediate inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for the notice or to the offices of the Board of Governors. Comments must be received not later than June 12, 1990.

A. Federal Reserve Bank of St. Louis
(Randall C. Sumner, Vice President)
411 Locust Street, St. Louis, Missouri 63166:

1. *Ms. Jane Ross*, Arkadelphia, Arkansas; to retain ownership totalling 31.32 percent of Central Arkansas Bancshares, Inc., Malvern, Arkansas, and thereby indirectly acquire Merchants & Planters Bank & Trust Co., Arkadelphia, Arkansas, and Bank of Malvern, Malvern, Arkansas.

Board of Governors of the Federal Reserve System, May 22, 1990.

Jennifer J. Johnson,
Associate Secretary of the Board.
[FR Doc. 90-12285 Filed 5-25-90; 8:45 am]
BILLING CODE 6210-01-M

Security Pacific Corp.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23 (a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23 (a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 18, 1990.

A. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Security Pacific Corporation*, Los Angeles, California; to expand the geographic scope of the activities of Security Pacific Community Services Corporation, Seattle, Washington, which

engages in community development activities pursuant to § 225.25(b)(6) of the Board's Regulation Y. Applicant proposes to expand the geographic scope of this activity to include the entire United States.

Board of Governors of the Federal Reserve System, May 22, 1990.

Jennifer J. Johnson,
Associate Secretary of the Board.
[FR Doc. 90-12286 Filed 5-25-90; 8:45 am]
BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration**

[Docket No. 90N-0189]

Drug Export; Occlucort (Betamethasone Dipropionate) Film Forming Lotion

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that GenDerm Corp. has filed an application requesting approval for the export of the human drug Occlucort (Betamethasone Dipropionate) Film Forming Lotion to Canada.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: Frank R. Fazzari, Division of Drug Labeling Compliance (HFD-313), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8073.

SUPPLEMENTARY INFORMATION: The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of drugs that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B)

have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that GenDerm Corp., 425 Huehl Rd., Northbrook, IL 60062, has filed an application requesting approval for the export of the drug Occlucort (Betamethasone Dipropionate) Film Forming Lotion, to Canada. This drug is indicated for use as a topical corticosteroid. The application was received and filed in the Center for Drug Evaluation and Research on May 11, 1990, which shall be considered the filing date for the purpose of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by June 8, 1990, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (section 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Drug Evaluation and Research (21 CFR 5.44).

Dated: May 18, 1990.

Sammie R. Young,

Acting Director, Office of Compliance, Center for Drug Evaluation and Research.

[FR Doc. 90-12240 Filed 5-25-90; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 90N-0190]

Drug Export; Phenytoin Sodium Injection, USP

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Ben Venue Laboratories, Inc., has filed an application requesting approval for the export of the human drug

Phenytoin Sodium Injection, USP to Canada.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1986 should be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: Frank R. Fazzari, Division of Drug Labeling Compliance (HFD-313), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8073.

SUPPLEMENTARY INFORMATION: The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of drugs that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Ben Venue Laboratories, Inc., 270 Northfield RD., P.O. Box 46558, Bedford, OH 44146, has filed an application requesting approval for the export of the drug Phenytoin Sodium Injection, USP, to Canada. This drug is indicated for use as an anticonvulsant. The application was received and filed in the Center for Drug Evaluation and Research on May 7, 1990, which shall be considered the filing date for the purpose of the act.

Interested persons may submit relevant information on the application to Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by June 8, 1990, and to provide an additional copy of the

submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (section 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Drug Evaluation and Research (21 CFR 5.44).

Dated: May 18, 1990.

Sammie R. Young,

Acting Director, Office of Compliance, Center for Drug Evaluation and Research.

[FR Doc. 90-12241 Filed 5-25-90; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 90N-0191]

Drug Export; Sotalol Hydrochloride Bulk Drug Substance

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Bristol-Myers Squibb Co. has filed an application requesting approval for the export of the human drug Sotalol Hydrochloride bulk drug substance to the Federal Republic of Germany.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1986 should be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: Frank R. Fazzari, Division of Drug Labeling Compliance (HFD-313), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8073.

SUPPLEMENTARY INFORMATION: The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of drugs that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A)

of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Bristol-Myers Squibb Co., 345 Park Ave., New York, NY 10154-0037, has filed an application requesting approval for the export of the drug Sotalol Hydrochloride bulk drug substance, to the Federal Republic of Germany. This drug product is indicated in the treatment of high blood pressure, as well as stress high pressure, Angina pectoris and prophylaxis of Angina pectoris attacks, hyperkinetic heart syndrome, tachycardia arrhythmias and screening adrenergic influence on hyperthyreosis. The application was received and filed in the Center for Drug Evaluation and Research on May 7, 1990, which shall be considered the filing date for the purpose of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by June 8, 1990, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (section 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Drug Evaluation and Research (21 CFR 5.44).

Dated: May 18, 1990.

Sammie R. Young,
Acting Director, Office of Compliance, Center for Drug Evaluation and Research.

[FR Doc. 90-12242 Filed 5-25-90; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 90M-0167]

Bentec Engineering, Inc.; Premarket Approval of BIS-45 (Amsilfocon A) Rigid Gas Permeable Contact Lens (Clear and Blue Tinted)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Bentec Engineering, Inc., Sacramento, CA, for premarket approval, under the Medical Device Amendments of 1976, of the spherical BIS-45 (amsilfocon A) Rigid Gas Permeable Contact Lens (clear and blue tinted). After reviewing the recommendation of the Ophthalmic Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of April 5, 1990, of the approval of the application.

DATES: Petitions for administrative review by June 28, 1990.

ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: David M. Whipple, Center for Devices and Radiological Health (HFZ-460), Food and Drug Administration, 1390 Piccard Dr., Rockville, MD 20850, 301-427-1080.

SUPPLEMENTARY INFORMATION: On August 28, 1989, Bentec Engineering, Inc., Sacramento, CA 95834, submitted to CDRH an application for premarket approval of the BIS-45 (amsilfocon A) Rigid Gas Permeable Contact Lens (clear and blue tinted). The spherical lens is indicated for daily wear for the correction of visual acuity in not-aphakic persons with nondiseased eyes that are myopic or hyperopic. The lens may be worn by persons who exhibit astigmatism of 4.00 diopters (D) or less that does not interfere with visual acuity. The spherical lens ranges in powers from -20.00 D to +12.00 D and is to be disinfected using a chemical lens care system. The blue tinted lens contains the color additive D&C Green No. 6 in accordance with the color additive listing provisions of 21 CFR 74.3206.

On October 20, 1989, the Ophthalmic Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On April 5, 1990, CDRH approved the application by letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should

be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact David M. Whipple (HFZ-460), address above. The labeling of the BIS-45 (amsilfocon A) Rigid Gas Permeable Contact Lens (clear and blue tinted) states that the lens is to be used only with certain solutions for disinfection and other purposes. The restrictive labeling informs new users that they must avoid using certain products, such as solutions intended for use with hard contact lenses only.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under part 12 (21 CFR part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before June 28, 1990, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sections 515(d), 520(h), (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs

(21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: May 18, 1990.

Walter E. Gundaker,
Acting Deputy Director, Center for Devices
and Radiological Health.

[FR Doc. 90-12295 Filed 5-25-90; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 90M-0171]

Polymer Technology Corp.; Premarket Approval of Boston™ Cleaner II

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Polymer Technology Corp., Wilmington, MA, for premarket approval, under the Medical Device Amendments of 1976, of the Boston™ Cleaner II. After reviewing the recommendation of the Ophthalmic Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of May 3, 1990, of the approval of the application.

DATES: Petitions for administrative review by June 28, 1990.

ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: David M. Whipple, Center for Devices and Radiological Health (HFZ-460), Food and Drug Administration, 1390 Piccard Dr., Rockville, MD 20850, 301-427-1080.

SUPPLEMENTARY INFORMATION: On September 15, 1989, Polymer Technology Corp., Wilmington, MA 01887, submitted to CDRH an application for premarket approval of the Boston™ Cleaner II indicated for use to clean fluoro silicone acrylate and silicone acrylate rigid gas permeable contact lenses before conditioning (wetting, soaking, disinfecting).

On January 26, 1990, the Ophthalmic Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On May 3, 1990, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the

Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact David M. Whipple (HFZ-460), address above.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under part 12 (21 CFR part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the *Federal Register*. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before June 28, 1990, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: May 18, 1990.

Walter E. Gundaker,
Acting Deputy Director, Center for Devices
and Radiological Health.

[FR Doc. 90-12296 Filed 5-25-90; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 90M-0168]

Pharmacia Ophthalmics, Inc.; Premarket Approval of Model UV44B Ultraviolet-Absorbing Anterior Chamber Intraocular Lens

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Pharmacia Ophthalmics, Inc., Monrovia, CA, for premarket approval, under the Medical Device Amendments of 1976 (the amendments), of the Model UV44B Ultraviolet-Absorbing Anterior Chamber Intraocular Lens. After reviewing the recommendation of the Ophthalmic Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of March 8, 1990, of the approval of the application.

DATES: Petitions for administrative review by June 28, 1990.

ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Nancy C. Brogdon, Center for Devices and Radiological Health (HFZ-460), Food and Drug Administration, 1390 Piccard Dr., Rockville, MD 20850, 301-427-1212.

SUPPLEMENTARY INFORMATION: On June 2, 1988, Pharmacia Ophthalmics, Inc., P.O. Box 5036, Monrovia, CA 91017-7136, submitted to CDRH an application for premarket approval of the Model UV44B Ultraviolet-Absorbing Anterior Chamber Intraocular Lens. The Model UV44B is designed for use in the anterior chamber for the visual correction of aphakia in patients 60 years of age or older who are undergoing: (1) A primary intracapsular cataract extraction, (2) a primary extracapsular cataract extraction provided that this be performed after the physician has compared the published results or his/her own results from the Model UV44B with posterior chamber lenses, (3) a primary extracapsular

cataract extraction where there is a structural reason that the UV44B is preferred (secondary intent), or (4) a secondary procedure in an aphakic patient. The device is available in a range of powers from 6 diopters (D) through 30 D in 0.5-D increments.

On June 20, 1989, the Ophthalmic Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On March 8, 1990, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH. Under the amendments, intraocular lenses are regulated as class III devices (premarket approval).

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Nancy C. Brogdon (HFZ-460), address above.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under part 12 (21 CFR part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the *Federal Register*. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details. Petitioners may, at any time on or

before June 28, 1990, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: May 18, 1990.

Walter E. Gundaker,

Acting Deputy Director, Center for Devices and Radiological Health.

[FR Doc. 90-12297 Filed 5-25-90; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

Privacy Act of 1974; Report of New System of Records

AGENCY: Health Care Financing Administration (HCFA), Department of Health and Human Services (HHS).

ACTION: Notice of New System of Records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, we are proposing to establish a new system of records, "HCFA Medicare Mortality Predictor Data File," HHS/HCFA/ORD No. 09-70-0047. We have provided background information about the proposed system in the "Supplementary Information" section below. Although the Privacy Act requires only that the "routine uses" portion of the system be published for comment, HCFA invites comments on all portions of this notice.

DATES: HCFA filed a new system report with the Chairman of the Committee on Government Operations of the House of Representatives, the Chairman of the Committee on Governmental Affairs of the Senate, and the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on May 23, 1990.

The new system of records, including routine uses, will become effective July 23, 1990, unless HCFA receives comments which would necessitate alteration to the system.

ADDRESSES: The public should address comments to Richard A. DeMeo, HCFA

Privacy Act Officer, Office of Budget and Administration, Health Care Financing Administration, Room 1-A-9, SOP, 7008 Security Boulevard, Baltimore, Maryland, 21207. Comments received will be available for inspection at this location.

FOR FURTHER INFORMATION CONTACT:

Timothy Greene, Division of Reimbursement and Economic Studies, Office of Research and Demonstrations, Health Care Financing Administration, Room 2-B-14, Oak Meadows Building, 6325 Security Boulevard, Baltimore, Maryland 21207. Telephone: 301-966-6606.

SUPPLEMENTARY INFORMATION: HCFA

proposes to initiate a new system of records including data on clinical characteristics of Medicare patients under the authority of section 1875(a) of the Social Security Act (42 U.S.C. 1395ll(a)), as amended, which authorizes studies "relating to health care of the aged and disabled." In addition, sections 1874 (a) and (b) of the Social Security Act (42 U.S.C. 1395kk (a) and (b)), provide additional authority to obtain information needed to administer the Medicare program. HCFA has studied and published information on mortality among Medicare patients admitted to acute care hospitals. Data routinely collected by HCFA contain diagnosis and procedure information but lack the clinical data needed to satisfactorily assess the physiological condition of the patient on admission. Data in the system will include information from the patient's medical record representing the first measurements during the hospital stay, the patient medical record and patient control numbers, and certain information routinely collected by HCFA and maintained by HCFA in the Medicare Provider Analysis Record (MEDPAR) system of records. This mortality predictor system of records will allow HCFA to statistically study costs and outcomes of care.

The Privacy Act permits us to disclose information without consent of the individual for "routine uses"—that is, disclosure for purposes that are compatible with the purpose for which we collect the information. The proposed routine uses in the new system meet the compatibility criteria, since the information is collected for the purpose of studying costs and outcomes of care.

We anticipate that disclosure under the routine uses will not result in any unwarranted adverse effects on personal privacy.

Dated: May 19, 1990.

Gail R. Wilensky,

Administrator, Health Care Financing
Administration.

09-70-0047

SYSTEM NAME:

HCFA Medicare Mortality Predictor
Data File HHS/HCFA/ORD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing
Administration, 6325 Security
Boulevard, Baltimore, Maryland 21207.

**CATEGORIES OF INDIVIDUALS COVERED BY THE
SYSTEM:**

A statistically stratified sample of
Medicare patient cases selected by
HCFA from hospitals in seven states.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records on
individual hospital stays of aged
Medicare patients with information on
patient health insurance claim number,
hospital medical record and patient
control numbers, hospital provider
number, selected characteristics of the
hospital, selected patient demographic
characteristics (e.g., age), and specific
clinical measures from the medical
record.

**AUTHORITY FOR MAINTENANCE OF THE
SYSTEM:**

Section 1875(a) (42 U.S.C. 1395l(a)), as
amended, of the Social Security Act.

PURPOSE OF THE SYSTEM:

To enable HCFA to statistically study
costs and outcomes of health care.

**ROUTINE USES OF RECORDS MAINTAINED IN
THE SYSTEM, INCLUDING CATEGORIES OF
USERS AND PURPOSES OF SUCH USES:**

Disclosure may be made to:

1. A HCFA contractor or grantee
pursuant to an approved HCFA research
project for the purpose of:

a. Analyzing clinical and other
information to identify possible
predictors of mortality within 30 days of
discharge from an acute care hospital; or
b. Collating, analyzing, aggregating or
otherwise refining or processing records
in this system or for developing,
modifying, and/or manipulating ADP
software. Data would also be disclosed
to contractors incidental to consultation,
programming, operation, user
assistance, or maintenance for ADP or
telecommunication systems containing
or supporting records in the system.

2. A Congressional office from the
records of an individual in response to

an inquiry from the Congressional office
at the request of the individual.

3. The Department of Justice, to a
court or other tribunal, or to another
party before such tribunal, when

a. HHS or any component thereof; or
b. Any HHS employee in his or her
official capacity; or

c. Any HHS employee in his or her
individual capacity where the
Department of Justice (or HHS, where it
is authorized to do so) has agreed to
represent the employee; or

d. The United States or any agency
thereof (when HHS determines that the
litigation is likely to affect HHS or any
of its components) is a party to litigation
or has interest in such litigation, and
HHS determines that the use of such
records by the Department of Justice, the
tribunal, or the other party is relevant
and necessary to the litigation and
would help in the effective
representation of the governmental
party, provided, however, that in each
case, HHS determines that such
disclosure is compatible with the
purpose for which the records were
collected.

4. An individual or organization for a
research, evaluation, or epidemiological
project related to the prevention of
disease or disability, or the restoration
or maintenance of health if HCFA:

a. Determines that the use or
disclosure does not violate legal
limitations under which the record was
provided, collected, or obtained;

b. Determines that the purpose for
which the disclosure is to be made:

(1) Cannot be reasonably
accomplished unless the record is
provided in individually identifiable
form, and

(2) Is of sufficient importance to
warrant the effect and/or risk on the
privacy of the individual that additional
exposure of the record might bring, and

(3) There is reasonable probability
that the objective for the use would be
accomplished;

c. Requires the recipient to:

(1) Establish reasonable
administrative, technical, and physical
safeguards to prevent unauthorized use
or disclosure of the record, and

(2) Remove or destroy the information
that allows the individual to be
identified at the earliest time at which
removal or destruction can be
accomplished consistent with the
purpose of the project unless the
recipient presents an adequate
justification of a research or health
nature for retaining the information, and

(3) Make no further use or disclosure
of the record except:

(a) In emergency circumstances
affecting the health or safety of any
individual;

(b) For use in another research
project, under these same conditions,
and with written authorization of the
HCFA;

(c) For disclosure to a properly
identified person for the purpose of an
audit related to the research project, if
information that would enable research
subjects to be identified is removed or
destroyed at the earliest opportunity
consistent with the purposes of the
audit, or

(d) When required by law.

d. Secures a written statement
attesting to the recipient's
understanding of, and willingness to
abide by these provisions.

**POLICIES AND PRACTICES FOR STORING,
RETRIEVING, ACCESSING, RETAINING, AND
DISPOSING OF RECORDS IN THE SYSTEM:**

STORAGE:

Paper and magnetic media.

RETRIEVABILITY:

Records are retrieved by the health
insurance claim number.

SAFEGUARDS:

a. Authorized Users: Agency
employees whose duties require the use
of information in the system.

In addition, such agency personnel are
advised that the information is
confidential and of criminal sanctions
for unauthorized disclosure of
information.

b. Physical Safeguards: Records are
stored in locked files or secured areas.

c. Procedural Safeguards: Employees
who maintain records in the system are
instructed to grant regular access only to
authorized users. Data stored in
computers are accessed through the use
of passwords known only to authorized
personnel.

Contractors who use records in this
system are instructed to make no further
disclosure of the records except as
authorized by the system manager and
permitted by the Privacy Act. Privacy
Act language is in contracts related to
this system.

d. Implementation Guidelines:
Safeguards implemented in accordance
with all guidelines required by the
Department of Health and Human
Services.

Safeguards for automated records
have been established in accordance
with the Department of HHS' Automated
Data Processing Manual, Part 6, "ADP System Security."

RETENTION AND DISPOSAL: Records are retained for 5 years after the last action on the record.

SYSTEM MANAGER(S) AND ADDRESS:

Director, ORD, Health Care Financing Administration, 2230 Oak Meadows Building, 6325 Security Boulevard, Baltimore, Maryland, 21207.

NOTIFICATION PROCEDURES:

Inquiries and requests for system records should be addressed to: Director, BDMS, Health Care Financing Administration, 1-A-11 SOP Building, 6325 Security Boulevard, Baltimore, Maryland, 21207.

The requestor must specify the health insurance claim number.

RECORD ACCESS PROCEDURES:

Same as notification procedure. Requestors should also reasonably specify the record contents being sought. (These procedures are in accordance with HHS Regulations (45 CFR 5b.5(a)(2)).)

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonably identify the record and specify the information to be contested. State the reason for contesting it (e.g., why it is inaccurate, irrelevant, incomplete, or not current). (These procedures are in accordance with HHS Regulations (45 CFR 5b.7).)

RECORDS SOURCE CATEGORIES:

HCFA obtains the identifying information in this system from the hospital records and from existing systems.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 90-12349 Filed 5-25-90; 8:45 am]

BILLING CODE 4120-03-M

Health Resources and Services Administration

Grants for Home and Community-Based HIV/AIDS Health Services for Indian Tribes or Tribal Organizations

AGENCY: Health Resources and Services Administration, PHS, DHHS.

ACTION: Notice of availability of funds.

SUMMARY: The Bureau of Health Resources Development (BHRD), Health Resources and Services Administration (HRSA), announces that Fiscal Year (FY) 1990 funds are available to Indian Tribes or tribal organizations within States for home and community-based health services for individuals infected

with the Human Immunodeficiency Virus (HIV) who are either medically dependent or chronically dependent. Funds were appropriated by Public Law 101-166 under the authority for section 2401 of the Public Health Service (PHS) Act for formula grants to the States for home and community-based health services.

Section 2408(c) of the PHS Act requires the Secretary, upon the request of the governing body of an Indian Tribe or tribal organization within a State, to make available from the State's allotment the Indian Tribe's proportional share of funds based on the number of cases of AIDS reported for FY 1989 attributable to the Indian tribes or tribal organization. The terms "Indian Tribe" and "tribal organization" are defined the same as provided in sections 4(e) and 4(i) of the Indian Self-Determination and Education Assistance Act, as amended by Public Law 100-472. Indian Tribes or tribal organizations must go through the same application process to identify the intended use of funds, and must sign the same required Federal assurances and agreements as the States and Territories in order to request and receive funds.

DATE: The deadline for receipt of applications is July 30, 1990. Applications shall be considered as meeting the deadline if they are either: (1) Received by the Grants Management Branch at the address below on or before the deadline date; or (2) postmarked on or before the deadline date. Applications need to be received in time for orderly processing.

Applicants must obtain a legibly dated U.S. Postal Service postmark or a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing. Grant applications postmarked after the deadline date will be returned to the applicant.

FOR FURTHER INFORMATION CONTACT:

Indian Tribes or tribal organizations wishing to apply for a proportional share of their State's funds should contact Ms. Glenna Wilcom, Grants Management Specialist, BHRD, 12300 Twinbrook Metro Plaza, Twinbrook Parkway, suite 100A, Rockville, Maryland 20852; telephone (301) 443-1440 for an application kit. Applicants for grants will use Form 5161-1, with revised face sheet, Standard Form 424, approved under OMB Control Number 0348-0043. For additional technical and programmatic information, interested parties should contact Ms. Sheila

McCarthy, Division of HIV Services, BHRD, Parklawn Building, room 9A-05, 5600 Fishers Lane, Rockville, Maryland 20857; telephone (301) 443-9086.

SUPPLEMENTARY INFORMATION:

Program Description and Funding

This program provides funds for grants to States for home and community-based services for people who are infected with HIV and who are either medically or chronically dependent as defined in section 2401(c) (2) and (3) of the PHS Act. Home and community-based services are defined as skilled health services furnished to the individual in the individual's home pursuant to a written plan of care established by a health care professional. The following types of services and items may be provided: Durable medical equipment; homemaker/home health aide services and personal care services furnished in the individual's home; day treatment or other partial hospitalization; home I.V. therapy (including prescription drugs administered intravenously); and routine diagnostic tests administered in the home. In addition, the grantee must provide for the identification, location, and provision of outreach to eligible individuals; provide for the coordination of these services by public and private entities; and give priority to the provision of these services to eligible individuals with low incomes. A grantee may make payment for services through grants to public and non-profit private entities and through contracts with public and private entities. A total of \$18.6 million is available to the States for home and community-based services for individuals infected with HIV. State allotments are based on an amount determined under formula based on distribution factors including the number of cases of AIDS reported in FY 1989 and the National to State ratio of per capita income.

Technical Assistance

Technical Assistance will be provided to Indian Tribes or Tribal Organizations on request by calling Ms. Sheila McCarthy, Project Officer, on (301) 443-9086.

Reporting Requirements

Applicants receiving awards under this notice will submit reports in accordance with the provisions of the general regulations which apply under 45 CFR, part 92 subpart C.

Executive Order 12372

The home and community-based HIV/

AIDS health services program has been determined to be a program which is not subject to the provisions of Executive Order 12372 concerning intergovernmental review of Federal programs. The OMB Catalog of Federal Domestic Assistance number for Home and Community-Based HIV/AIDS Health Services is 13.199.

Dated: May 22, 1990.

Robert G. Harmon,

Administrator.

[FR Doc. 90-12294 Filed 5-25-90; 8:45 am]

BILLING CODE 4160-15-M

National Institutes of Health

National Cancer Institute; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, Division of Cancer Etiology on June 21-22, 1990. The meeting will be held in Building 31, C Wing, Conference room 10, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892.

This meeting will be open to the public from 1 p.m. to recess on June 21 and from 9 a.m. to adjournment on June 22 for discussion and review of the Division budget and review of concepts for grants and contracts. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in § 552b(c)(6), title 5, U.S.C. and sec. 10(d) of Public Law 92-463, the meeting will be closed to the public from 9 a.m. to approximately 12 Noon on June 21 for the review, discussion and evaluation of individual programs and projects conducted by the Division of Cancer Etiology. These programs, projects, and discussions could reveal personal information concerning individuals associated with the programs and projects, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, building 31, room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. David McB. Howell, Executive Secretary of the Board of Scientific Counselors, Division of Cancer Etiology, National Cancer Institute, Building 31, Room 11A06, National Institutes of

Health, Bethesda, Maryland 20892 (301/496-6927) will furnish substantive program information.

Dated: May 18, 1990.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR doc. 90-12288 Filed 5-25-90; 8:45 am]

BILLING CODE 4140-01-M

National Heart, Lung, and Blood Institute; Meeting of Board of Scientific Counselors

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Heart, Lung, and Blood Institute Board of Scientific Counselors, June 21 and 22, 1990, National Institutes of Health, 9000 Rockville Pike, building 10, room 7N214, Bethesda, Maryland 20892.

This meeting will be open to the public from 9 a.m. to 4 p.m. on June 21 and from 9 a.m. to 3 p.m. on June 22 for discussion of the general trends in research relating to cardiovascular, pulmonary and certain hematologic diseases. Attendance by the public will be limited to space available.

In accordance with the provision set forth in § 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92-463, the meeting will be closed to the public from 3 p.m. to adjournment on June 22 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Terry Bellicha, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, building 31, room 4A21, National Institutes of Health, Bethesda, Maryland 20892, phone (301) 496-4236, will provide a summary of the meeting and a roster of the Board members.

Substantive program information may be obtained from Dr. Edward D. Korn, Executive Secretary and Director, Division of Intramural Research, NHLBI, NIH, Building 10, Room 7n214, phone (301) 496-2116.

Dated: May 18, 1990.

Betty J. Beveridge

Committee Management Officer, NIH.

[FR Doc. 90-12289 Filed 5-25-90; 8:45 am]

BILLING CODE 4140-01-M

Public Health Service

National Toxicology Program; Availability of Technical Report on Toxicology and Carcinogenesis Studies of Dimethoxane

The HHS' National Toxicology Program announces the availability of the NTP Technical Report on toxicology and carcinogenesis studies of dimethoxane, an antimicrobial agent in water-based paints, dyestuffs, fabric softeners, sizings, and spinning emulsions.

Toxicology and carcinogenesis studies were conducted by administering commercial grade dimethoxane in corn oil by gavage to groups of 60 male rats at doses of 0, 62.5, or 125 mg/kg, and doses of 0, 125, or 250 mg/kg to 60 female rats by the same method. Groups of 60 mice of each sex were administered 0, 250, or 500 mg/kg dimethoxane in corn oil by gavage. All animals received dimethoxane 5 days per week for 15 months or 103 weeks.

Under the conditions of these 2-year corn oil gavage studies, there was no evidence of carcinogenic activity¹ of dimethoxane for male F344/N rats receiving 62.5 or 125 mg/kg or for female F344/N rats receiving 125 or 250 mg/kg per day. There was equivocal evidence of carcinogenic activity of dimethoxane for male B6C3F1 mice as indicated by an increased incidence of forestomach neoplasms. There was no evidence of carcinogenic activity for female B6C3F1 mice receiving 250 or 500 mg/kg per day. Acanthosis and hyperkeratosis occurred at increased incidences in the forestomach of high dose rats. Inflammation, acanthosis with hyperkeratosis, and focal hyperplasia occurred at increased incidences in the forestomach of dosed mice.

The study scientist for these studies is Dr. Kamal Abdo. Questions or comments about the conduct of this Technical Report should be directed to Dr. Abdo at P.O. Box 12233, Research Triangle Park, NC 27709 or telephone (919) 541-7819.

Copies of Toxicology and Carcinogenesis Studies of Dimethoxane (Commercial Grade) in F344/N Rats and B6C3F1 Mice (Gavage Studies) (TR 354) are available without charge from the NTP Public Information Office, MD B2-

¹ The NTP uses five categories of evidence of carcinogenic activity to summarize the strength of the evidence observed in each experiment: two categories for positive results ("clear evidence" and "some evidence"); one category for uncertain findings ("equivocal evidence"); one category for no observable effects ("no evidence"); and one category for experiments that because of major flaws cannot be evaluated ("inadequate study").

04, P.O. Box 12233, Research Triangle Park, NC 27709.

Dated: May 22, 1990.

David P. Rall,

Director.

[FR Doc. 90-12290 Filed 5-25-90; 8:45 am]

BILLING CODE 4140-01-M

**National Toxicology Program;
Availability of Technical Report on
Toxicology and Carcinogenesis
Studies of N-Methylolacrylamide**

The HHS' National Toxicology Program announces the availability of the NTP Technical Report on toxicology and carcinogenesis studies of N-methylolacrylamide, a cross-linking agent used in adhesives, binders for paper, crease-resistant textiles, resins, latex film, and sizing agents.

Toxicology and carcinogenesis studies of N-methylolacrylamide were conducted by administering to groups of 50 rats of each sex 0, 6, or 12 mg/kg N-methylolacrylamide in deionized water by gavage 5 days per week for 103 weeks. Groups of 50 mice of each sex were administered 0, 25, or 50 mg/kg on the same schedule.

Under the conditions of these 2-year studies, there was no evidence of carcinogenic activity¹ of N-methylolacrylamide for male or female F344/N rats receiving doses of 6 or 12 mg/kg per day by aqueous gavage. There was clear evidence of carcinogenic activity of N-methylolacrylamide for male B6C3F1 mice, based on increased incidences of neoplasms of the Harderian gland, liver, and lung. There was clear evidence of carcinogenic activity of N-methylolacrylamide for female B6C3F1 mice, based on increased incidences of neoplasms of the Harderian gland, liver, lung, and ovary.

In rats, because no biologically important toxic effects were attributed to N-methylolacrylamide administration, somewhat higher doses could have been used to increase the sensitivity of these studies for determining the presence or absence of a carcinogenic response. In female mice, ovarian atrophy was compound related.

The study scientist for these studies is Dr. John R. Bucher. Questions or comments about the conduct of this

Technical Report should be directed to Dr. Bucher at P.O. Box 12233, Research Triangle Park, NC 27709 or telephone (919) 541-4532.

Copies of Toxicology and Carcinogenesis Studies of N-methylolacrylamide in F344/N Rats and B6C3F1 Mice (Gavage Studies) (TR 352) are available without charge from the NTP Public Information Office, MD B2-04, P.O. Box 12233, Research Triangle Park, NC 27709.

Dated: May 22, 1990.

David P. Rall,

Director.

[FR Doc. 90-12291 Filed 5-25-90; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV-930-00-4212-11; N-12576]

**Termination of Recreation and Public
Purpose Classification and Order
Providing for Opening of Land; Nevada**

May 16, 1990.

AGENCY: Bureau of Land Management, Interior.

ACTION: Classification Termination and Opening Order.

SUMMARY: This notice terminates recreation and public purpose classification N-12576 in its entirety. The land will be opened to the public land laws generally, including the mining laws.

EFFECTIVE DATE: Termination is effective with the publication of this document. The land will be open to entry at 10 a.m. on (June 28, 1990).

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, BLM Nevada State Office, 850 Harvard Way, P.O. Box 12000, Reno, NV 89520, 702-785-6526.

SUPPLEMENTARY INFORMATION: Pursuant to section 7 of the Taylor Grazing Act (48 Stat 1272), recreation and public purpose classification N-12576 is hereby terminated in its entirety:

Mount Diablo Meridian, Nevada

T. 18 N., R. 24 E.,

Sec. 28, NE¼NE¼.

The area described contains 40.00 acres in Lyon County.

The classification was accomplished pursuant to the Recreation and Public Purposes Act of June 14, 1926, as amended, in response to an application for a shooting range. The land was leased for a period of ten years. The lease has expired and the classification is hereby terminated.

At 10 a.m. on June 28, 1990, the land will be open to the operation of the public land laws, subject to valid existing rights, existing classification and withdrawals, pending lawsuits, and requirements of applicable law. All valid applications received prior to or at 10 a.m. on June 28, 1990, will be considered as simultaneously filed. All other applications received will be considered in the order of filing.

At 10 a.m. on June 28, 1990, the land will also be open to the operation of the mining laws. Appropriation of land under the general mining law prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

The land remains open to the mineral leasing and material sale laws.

Robert G. Steele,

Deputy State Director, Operations.

[FR Doc. 90-12248 Filed 5-25-90; 8:45 am]

BILLING CODE 4310-HC-M

Fish and Wildlife Service

Receipt of Applications for Permits

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT 748783

Applicant: Dr. Jack Sites, Brigham Young University

The applicant requests a permit to take (sacrifice two individuals each) Fiji banded iguana (*Brachylophus fasciatus*) and Fiji crested iguana (*B. vitiensis*) and import the frozen tissue samples from Fiji for the purpose of scientific research.

PRT 728360

Applicant: Mark Steven Itson, Las Vegas, NV

The applicant requests a permit to export and reimport two captive born female Bengal tigers (*Panthers tigris*) for magic show performances during which the applicant will provide information to the public on this species' ecological role and conservation needs.

¹ The NTP uses five categories of evidence of carcinogenic activity to summarize the strength of the evidence observed in each experiment: two categories for positive results ("clear evidence" and "some evidence"); one category for uncertain findings ("equivocal evidence"); one category for no observable effects ("no evidence"); and one category for experiments that because of major flaws cannot be evaluated ("inadequate study").

PRT 749021

Applicant: R.B. Riggan and Associates, San Diego, CA

The applicant requests a permit to live-trap, mark and release Stephens' kangaroo rats (*Dipodomys stephensi*) in Western Riverside County, and the San Luis Rey River drainage in San Diego, County, California, for determination of species' presence or absence.

PRT 749376

Applicant: San Diego Zoo, San Diego, CA

The applicant requests a permit to import one captive-born female banteng (*Bos javanicus*) from the Ruhr-Zoo Gelsenkirchen, West Germany for the purpose of captive propagation.

PRT 749019

Applicant: B.A. "Tony" Lozon, Madeira Beach, FL

The applicant requests a permit to conduct stranding and salvage operations, relocate nests, conduct nestling surveys, conduct public turtle walks, tag, conduct night hatchling release, and handle for filming purposes green sea turtle (*Chelonia mydas*), leatherbacks (*Dermochelys coriacea*), Kemp's ridleys (*Lepidochelys kempii*), hawksbills, (*Eretmochelys imbricata*) and loggerheads (*Caretta caretta*) in North and South Carolina, Florida, Georgia, Alabama, Mississippi, Louisiana, Texas, U.S. Virgin Islands, and Puerto Rico, for the purpose of enhancement of propagation and survival of the species.

PRT 749009

Applicant: Ringling Bros.—Barnum & Bailey Circus, Vienna, VA

The applicant requests a permit to purchase two male and eight female Asian elephants (*Elephas maximus*) from Robert B. Moore, New Baltimore, Michigan, for captive-breeding and display purposes.

PRT 685179

Applicant: Ada Smieya-Blaszak, Sarasota, FL

The applicant requests a permit to reexport and reimport seven female and four male captive-born tigers (*Panthera tigris*) for the purpose of enhancement of survival of the species. In the future applicant may reexport and reimport these tigers for the same purpose.

Documents and other information submitted with these applications are available to the public during normal business hours (7:45 a.m. to 4:15 p.m.) in room 430, 4401 N. Fairfax Dr., Arlington, VA 22201, or by writing to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 N. Fairfax Drive, room 432, Arlington, VA 22201.

Interested persons may comment on any of these applications within 30 days of the date of this publication by submitting written views, arguments, or data to the Director at the above address. Please refer to the appropriate PRT number when submitting comments.

Dated May 22, 1990.

Karen Willson,

Acting Chief, Branch of Permits, U.S. Office of Management Authority.

[FR Doc. 90-12282 Filed 5-25-90; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

Martin Luther King, Jr., National Historic Site Advisory Commission; Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of Advisory Commission Meeting.

SUMMARY: Notice is hereby given in accordance with the Federal Advisory Commission Act that a meeting of the Martin Luther King, Jr., National Historic Site Advisory Commission will be held at 10:30 a.m. at the following location and date.

DATES: June 6, 1990.

ADDRESSES: The Martin Luther King, Jr., Center for Nonviolent Social Change, Inc., Freedom Hall Complex, room 261, 449 Auburn Avenue NE., Atlanta, Georgia 30312.

FOR FURTHER INFORMATION CONTACT: Mr. Randolph Scott, Superintendent, Martin Luther King, Jr., National Historic Site, 522 Auburn Avenue NE., Atlanta, Georgia 30312.

SUPPLEMENTARY INFORMATION: The purpose of the Martin Luther King, Jr., National Historic Site Advisory Commission is to advise the Secretary of the Interior or his designee on matters of planning and administration of the Martin Luther King, Jr., National Historic Site and Preservation District. The members of the Advisory Commission are as follows:

Ms. Portia Scott, Chairperson
Mr. William W. Allison
Mr. John Cox

Ms. Barbara Faga
Mrs. Christine King Farris
Mrs. Valena Henderson
Mr. C. Randy Humphrey
Dr. Elizabeth A. Lyon
Rev. Joseph L. Roberts
Mrs. Coretta Scott King, Ex-Officio Member

Director, National Park Service, Ex-Officio Member

The matters to be discussed at this meeting will include the status of park development and interpretive activities.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited. Any member of the public may file with the Commission a written statement concerning the matters to be discussed. Written statements may also be submitted to the Superintendent at the address above. Minutes of the meeting will be available at Park Headquarters for public inspection approximately 4 weeks after the meeting.

Dated: May 16, 1990.

Robert L. Deskins,

Acting Regional Director, Southeast Region.

[FR Doc. 90-12340 Filed 5-25-90; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before May 19, 1990. Pursuant to section 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013-7127. Written comments should be submitted by June 13, 1990.

Carol D. Shull,

Chief of Registration, National Register.

ALABAMA

Baldwin County

Cullum, George W., House, 1915 Old County Rd., Daphne, 90000930

Starke, Lewis, House, 2103 Old County Rd., Daphne, 90000929

Coosa County

Oakachoy Covered Bridge, Over Oakachoy Cr. W. of SR 259, Nixburg vicinity, 90000928

Dallas County

Icehouse Historic District, Roughly bounded by Jefferson Davis and Dallas Aves., Union and Lapsley Sts., and Valley Cr., Selma, 90000886

Riverview Historic District Roughly bounded by Selma Ave., Satterfield and Lapsley Sts. and the Alabama R., Selma, 90000887

Madison County

New Market United Methodist Church, 310 Hurricane Rd., New Market, 90000919

Mobile County

Grand Bay Historic District, Jct. of Dezauche Ln. and Freeland, Grand Bay, 90000918

Leatherbury, George, House, Shell Belt Rd.
SE of Sans Souci Beach, Coden, 90000917

Montgomery County

City of St. Jude Historic District, 2048 W.
Fairview Ave., Montgomery, 90000916

ARKANSAS

Howard County

Howard County Courthouse, Jct. of N. Main
St. and Bishop St., Mashville, 90000902

Lawrence County

Home Economics—F.F.A. Building, City Park
Dr., Portia, 90000901

Lonoke County

Carlisle Rock Island Depot, Jct. of Main St.
and Court Ave., Carlisle, 90000905

Miller County

Canaan Baptist Church, Jct. of Laurel and
10th Sts., Texarkana, 90000903

Ritchie Grocery Building, Jct. of Front and
Olive Sts., Texarkana, 90000900

Prairie County

First Presbyterian Church, Jct. of Main and
5th Sts., Des Arc, 90000897

Pulaski County

Arkansas II (riverboat), S end of Locust St.
on David D. Terry Lake, North Little Rock,
90000899

Engelberger House, 2105 N. Maple St., North
Little Rock, 90000895

*Waterside Street Bridge (Historic Bridges of
Arkansas MPS)*, Waterside St. near jct.
with Jacksonville Blvd., North Little Rock,
90000888

Union County

Smackover Historic Commercial District,
601—628 Broadway, Smackover, 90000884

Washington County

Johnson Barn, Cato Springs Rd. N of Round
Top Mtn., Fayetteville vicinity, 90000896
Southern Mercantile Building, 107 E.
Buchanan, Prairie Grove, 90000898

DISTRICT OF COLUMBIA

District of Columbia (State equivalent)

Carlton Hotel, 923 16th Street NW.,
Washington, 90000911
Causeway, The, 3029 Klinge Rd., NW.,
Washington, 90000910

IDAHO

Idaho County

*Ah Toy Garden (Chinese Sites in the Warren
Mining District MPS)*, Along China Cr.
near jct. with S. Fork Salmon R., Payette
NF, Warren vicinity, 90000893

*Celadon Slope Garden (Chinese Sites in the
Warren Mining District MPS)*, Along China
Cr. near jct. with S. Fork Salmon R.,
Payette NF, Warren vicinity, 90000891

*Chi-Sandra Garden (Chinese Sites in the
Warren Mining District MPS)*, Along China
Cr. near jct. with S. Fork Salmon R.,
Payette NF, Warren vicinity, 90000892

Fenn Ranger Station, Selway Rd. 223 near
Johnson Cr., Nez Perce NF, Kooskia,
90000931

Moose Creek Administrative Site, E side of
Moose Cr. S of Whistling Pig Cr., Nez Perce
NF, Grangeville vicinity, 90000932
*Old China Trail (Chinese Sites in the Warren
Mining District)*, Along China Cr. near jct.
with S. Fork Salmon R., Payette NF,
Warren vicinity, 90000894

Valley County

Cabin Creek Ranch, Cabin Cr. at jct. with Big
Cr., Payette NF, Black Butte vicinity,
90000890

KANSAS

Sedgwick County

Administration Building, McConnell AFB,
Wichita, 90000908

LOUISIANA

Allen Parish

Genius Brothers Building, Jct. of 8th St. and
4th Ave., Kinder, 90000909

MAINE

Cumberland County

Wales and Hamblen Store, 134 Main St.,
Bridgton, 90000924

Hancock County

*Elm Street Congregational Church and Parish
House*, Jct. of Elm and Franklin Sts.,
Bucksport, 90000925

West Gouldsboro Union Church, SR 186
between Jones Cove and Jones Pond, West
Gouldsboro, 90000926

Oxford County

Hershey Plow Company Building, Hill St.
near Stony Brook, South Paris, 90000922
Hubbard—Cotton Store, SR 5/113 across
Saco R. from jct. with SR 117, Hiram,
90000923

Washington County

McGlashan—Nickerson House, St. Croix Dr.
near Pettegrove Pt., Red Beach, 90000920
*Reversing Falls Site (Cobscook Area Coastal
Prehistoric Sites MPS)*, Address Restricted,
Pembroke vicinity, 90000907

York County

First Parish Congregational Church, 12 Beach
St., Saco, 90000921
Grant Family House, 72 Grant Rd., Saco
vicinity, 90000927

MASSACHUSETTS

Worcester County

West Brookfield Center Historic District,
Roughly Central and Cottage Sts. from
Sherman St. to Lake St. and W., N. and S.
Main Sts. from Chapman Ave. to Maple St.,
West Brookfield, 90000885

MICHIGAN

Alger County

Grand Island Harbor Rear Range Light, SR
M-28 W of Powell Pt., Christmas vicinity,
90000906

NEVADA

Carson City Independent City

Carson City Civic Auditorium, 813 N. Carson
St., Carson City (Independent city),
90000912

TENNESSEE

Dickson County

Halbrook Hotel, 100 Clement Pl., Dickson
90000915

Rutherford County

Bradley Academy, 415 S. Academy St.,
Murfreesboro, 90000914

Williamson County

Anderson Site, Address Restricted, Franklin,
90000913

TEXAS

Ochiltree County

Plainview Hardware Company Building, 210
S. Main St., Perryton, 90000904

WYOMING

Teton County

Gap Puche Cabin, Gros Ventre R. Rd. E of
Grizzly Lake, Jackson vicinity, 90000889

[FR Doc. 90-12341 Filed 5-25-90; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Board for International Food and Agricultural Development; Meeting

Pursuant to the provisions of the
Federal Advisory Committee Act, notice
is hereby given of the One Hundredth
Meeting of the Board for International
Food and Agricultural Development
(BIFAD) on June 28, 1:30 p.m. to 5 p.m.
and June 29, 8:30 a.m. to 11:30 p.m., 1990.

The purposes of the Meeting are: (a)
To hear reports and discussion on
BIFAD Charter Revision, Country
Programs Review Proposal, BIFAD
Budget Panel Report, (b) continuation of
reports and discussion of the Joint
Committee on Agriculture and
Development (JCARD), JCARD
Subcommittee on Procurement, CRSP
Activities, Gray Amendment, (c) reports
will be heard on the Hunger Problem,
University Networking in Asia, Open
Markets and Open Societies in
Agricultural Education.

The June 28-June 29, 1990, Meetings
will be held in the Department of State,
Room 1105. Any interested person may
attend and may present oral statements
in accordance with procedures
established by the Board and to the
extent the time available for the meeting
permits.

The Bureau for Diplomatic Security
has implemented new procedures for
being in the Department of State
building. All persons, visitors and
employees, are required to wear proper

identification at all times while in the building.

Please let the BIFAD Staff know (at tel. nos. 663-2585 or 663-2578) that you expect to attend the meeting and on which days. Provide your full name, name of employing company or organization, address and telephone number *not later than Tuesday, June 19, 1990*. This will help you avoid waiting in line for a visitor's pass.

A BIFAD Staff member will meet you at the Department of State entrance at 2201 C Street with your visitor's pass.

Visitors who are *not* pre-cleared will have to wait in line and present a valid identification with photograph to the receptionist before they can be admitted to the building.

Curtis Jackson, Bureau of Science and Technology, Office of Research and University Relations, Agency for International Development is designated as A.I.D. Advisory Committee Representative at this Meeting. It is suggested that those desiring further information write to Dr. Jackson, in care of the Agency for International Development, room 309, SA-18, Washington, DC 20523, or telephone him on (703) 875-4005.

Dated: May 23, 1990.

Lynn L. Pesson,

Executive Director, BIFAD.

[FR Doc. 90-12323 Filed 5-25-90; 8:45 am]

BILLING CODE 6116-01-M

INTERSTATE COMMERCE COMMISSION

Agency Information Collection Activities Under OMB Review

The following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) are being submitted to the Office of Management and Budget for review and approval. Copies of the forms and supporting documents may be obtained from the Agency Clearance Officer, Darlene Proctor (202) 275-7233. Comments regarding the information collection should be addressed to Darlene Proctor, Interstate Commerce Commission, room 2203, Washington, DC 20423 and to Wayne Brough, Office of Management and Budget Office of Information and Regulatory Affairs, Washington, DC 20503.

Type of Clearance: New Collection
Bureau/Office: Office of the Secretary
Title of Form: Application to Open and Account for Billing Purposes
OMB Form Number: 3120- (to be assigned by OMB)

Agency Form No.: SE-132

Frequency: Upon initial application only

No. of Respondents: 250

Total Burden Hours: 72.5

Type of Clearance: New Collection

Bureau/Office: Office of the Secretary

Title of Form: Certification of Open

Account for Billing Purposes

OMB Form Number: 3120- (to be assigned by OMB)

Agency Form No.: SE-132a

Frequency: One time only

No. of Respondents: 3500

Total Burden Hours: 995

Noreta R. McGee,

Secretary.

[FR Doc. 90-12315 Filed 5-25-90; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Office of Justice Programs

Children's Justice Act Discretionary Grant Program for Native Americans; Availability of Funds

AGENCY: Office for Victims of Crime.

ACTION: Notice of availability of funds.

SUMMARY: The Office for Victims of Crime (OVC) is publishing this notice to announce a \$600,000 discretionary grant program for Native American Indian tribes designed to improve the handling of child abuse cases, particularly cases of child sexual abuse, in a manner which limits additional trauma to the child while improving the investigation and prosecution of these cases.

EFFECTIVE DATE: Applications are due by August 13, 1990.

ADDRESSES: Address applications to: Office for Victims of Crime, Federal Crime Victims Division, 633 Indiana Avenue NW., Room 1352, Washington, D.C. 20531.

FOR FURTHER INFORMATION CONTACT: Questions concerning this notice and grant applications should be directed to Federal Crime Victims Division, Office for Victims of Crime, 633 Indiana Avenue NW., Room 1352, Washington, DC. 20531. Telephone queries are also accepted, (202) 514-6444.

SUPPLEMENTARY INFORMATION:

Statutory Authority

The funding for this program is authorized by the Victims of Crime Act of 1984 (VOCA), as amended, 42 U.S.C. 10601 *et seq.* The Act established a Crime Victims Fund in the Department of the Treasury made up of monies received from Federal criminal fines; special penalty assessments; forfeited appearance bonds, bail bonds and collateral security; and literary profits due convicted Federal defendants.

Under the provisions of 42 U.S.C. 10601(d)(2)(A)(iv), of the first \$100,000,000 deposited in the Fund in a particular year, 4.5 percent shall be available for grants as provided in 42 U.S.C. 10603 (a). Under 42 U.S.C. 10601(g)(1) the Attorney General, acting through the Director of OVC, is authorized to use 15 percent of these funds for the purposes of assisting Native American Indian tribes in developing, establishing, and operating programs designed to improve the handling, investigation and prosecution of child abuse cases, especially child sexual abuse cases. OVC has labeled this program the *Children's Justice Act Discretionary Grant Program for Native Americans*.

Background

The Children's Justice Act was signed into law on August 27, 1986. The Act was passed in response to a recognition of the seriousness, complexity and escalating number of children who were reported as victims of child sexual abuse and the realization that child sexual abuse cases often require special handling to ensure that children are not further traumatized in the criminal justice system.

The Children's Justice Act is designed to address the shortcomings of the criminal justice system in investigating and prosecuting child sexual abuse cases. Funds are made available annually to eligible states to improve the way that cases are investigated and prosecuted.

States that met established criteria are eligible to receive a proportionate share of Children's Justice Act funds. In Fiscal year (FY) 1987, 25 states shared in \$2.8 million; in FY 1988, 27 states shared in \$3.5 million, in FY 1989 32 states shared \$3.6 million, and in FY 1990, states will share in \$9.3 million.

Dealing with child sexual abuse in Indian country is particularly difficult because of an insufficient number of trained professionals to investigate, prosecute and treat child sexual abuse cases; geographic isolation; cultural diversity; and a lack of clear understanding of the roles and responsibilities of the various government entities that have some responsibility in the cases.

In order to address this situation, the Justice Department proposed that Children's Justice Act funds be made available to Indian tribes to improve the handling of child sexual abuse cases. In November 1988, President Reagan signed the Anti-Drug Abuse Act of 1988. This legislation amended VOCA by authorizing 15 percent of the first \$4.5

million available under the Children's Justice Act to assist Native American Indian tribes, to implement programs that improve the investigation and prosecution of child abuse cases while limiting trauma to child victims.

On August 1, 1989, OVC announced the availability of funds for the first cycle of funding under the Children's Justice Act Discretionary Grant Program for Native Americans. Forty-six applications were received in response to the announcement. A review panel evaluated and ranked the applications. On February 6, 1990, OVC awarded grants to the following 10 tribes:

Assiniboine and Sioux Tribes (Fort Peck Indian Reservation, Montana).....	\$50,000
Cherokee Nation of Oklahoma.....	52,000
Crow Creek Sioux Tribe (Crow Creek Reservation, South Dakota).....	41,000
Gila River Indian Community (Gila River Indian Reservation, Arizona).....	43,000
Hopi Tribe (Hopi Reservation, Arizona).....	45,000
Mississippi Band of Choctaw (Choctaw Reservation, Mississippi).....	40,000
Nez Perce Tribe (Nez Perce Reservation, Idaho).....	50,000
Oglala Sioux Tribe (Pine Ridge Reservation, South Dakota).....	60,000
Pueblo of Santa Clara, New Mexico.....	30,000
The South Puget Intertribal Agency/Intertribal Family Services (on behalf of the Chehalis, Skokomish, Squazin Island, Quileute, Jamestown Klallam, Makah, Lower Elwha, and Shoalwater Bay Tribes of Washington).....	55,000

These tribes will implement a variety of programs to improve the handling of child sexual abuse cases in Indian country. Examples of some of the activities funded by these new grants are: establishment of written protocols between agencies to minimize the number of child interviews and improve case management; provision of child advocacy in the court process; reduction in the amount of time required to investigate cases of child sexual abuse; revision of tribal codes to include child abuse; establishment of special multidisciplinary child interviewing teams; and provision of specialized training for investigators and judicial personnel.

Purpose

This announcement by OVC will make \$600,000 available through a competitive grant process to federally

recognized Indian tribes who did not receive a grant in the first year of funding. Tribes are to develop programs and modify current procedures to improve the investigation and successful prosecution of child abuse cases, especially child sexual abuse cases, and improve the handling of these cases in a manner which limits additional trauma to child victims.

OVC is seeking to bring about systemic improvement in the response to child sexual abuse cases on Indian reservations and other locations where Federally recognized Indian tribes exist. The agency seeks program models that will foster greater cooperation among all agencies (i.e., law enforcement, prosecutors, judges, health, mental health, social services and victim service agencies) that have responsibility for investigating and prosecuting child abuse cases, and treating child victims. Awards will be made to selected eligible applicants.

OVC recognizes that jurisdictional authority over child sexual abuse cases varies greatly among tribes. Cases are prosecuted in Federal, State or tribal courts or a combination of these courts. Responsibilities for investigations may be exercised by tribal police, BIA criminal investigators, FBI agents, State police officers, and tribal social workers. These variations make standardization among tribal programs difficult. OVC seeks innovative program models based on the unique jurisdictional characteristics of the tribal criminal justice and service delivery systems. However, OVC expects tribes that receive these grants to be actively involved in determining the manner by which these cases are administratively and judicially processed at the tribal, State, or Federal level. Tribes should coordinate child sexual abuse case referrals with the appropriate State and Federal authorities for prosecution and follow up with tribal prosecution if appropriate.

Eligible Applicants

Eligible applicants will be Federally recognized tribes who did not receive an award in the first year of funding. Applications will be accepted from the recognized leader or chief executive of the tribe. In those cases where the Tribal Council serves as the governing body, the application must be signed by the Chairman or other recognized leader of that group. Grants will be limited to Native American Indian tribal organizations as defined in 25 U.S.C. 450b(1). Under this provision, the definition of "tribal organization" is the recognized governing body of any Indian

tribe, to include any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities.

Program Description

Each project must be designed to improve the investigation and prosecution of child abuse cases, especially child sexual abuse cases, and improve the handling of these cases in a manner which reduces trauma to the child. Emphasis will be placed upon projects which establish a systemic or permanent change in the way that child sexual abuse cases are investigated or prosecuted. OVC recommends the use of multidisciplinary teams (known in many areas as Child Protection Teams) to respond to cases of child sexual abuse. This could also include specialized prosecutorial units for the investigation, referral, and prosecution of child abuse cases.

Multidisciplinary teams which are developed or expanded as a result of this grant program must include representatives of the tribal, State and Federal agencies that provide services to the tribe. These multi-disciplinary teams should assist in clarifying roles and responsibilities of all authorities involved in these cases, including social and medical services, law enforcement, and prosecutors, so that a coordinated system is established to receive and respond to reports. Program funds shall not be used to replace or serve as a substitute for funds already used for existing multidisciplinary teams.

Policies and procedures that are developed as a result of this grant program must protect child victims from further trauma while improving the probability of a successful investigation and prosecution.

Examples of activities that could be funded under this program are listed below. This list is not inclusive, and OVC seeks innovative program models based on the unique needs of individual tribes, to include:

- Development of formal protocols among all parties involved in the investigation, referral, prosecution and treatment of child abuse cases;
- Revision of tribal codes and procedures for responding to the report of child abuse, especially child sexual abuse;
- Development of special units to prosecute these cases in tribal courts,

interview child victims, provide court advocacy, and provide management;

- Establishment or expansion of multidisciplinary teams for the investigation and referral of child abuse cases. If this activity is chosen the applicant must indicate why the tribe has not yet developed such a unit and how the tribe will fund the team after this grant is over; and

- Training of multidisciplinary teams, special legal counsel, or law enforcement in innovative procedures for interviewing child victims, and investigating and prosecuting child sexual abuse cases.

Indirect costs which are often imposed by Indian tribes on Federal grants are not permissible in VOCA funded victim assistance grant programs. Selected applicants will not be required to contribute any matching funds.

Applicants will be required to become part of a consortium consisting of all other grantees who receive funding under this initiative, as well as the grantees from the first year of the grant program. The consortium members will meet twice during the life of the grant to discuss matters related to the implementation and operation of the overall program and to receive specialized training.

Selection Criteria

Applications that are determined to be in compliance with this announcement will be reviewed by panels of experts in criminal justice procedures, social services, victim assistance, and related disciplines. Panels will be composed of staff from Federal, state, tribal, or local agencies; colleges; national organizations; and other nongovernmental agencies. Applications will be reviewed and evaluated competitively against the following criteria:

1. The need for such a program. Tribes should indicate the following in their grant application:

- a. The number of reported cases of child abuse and child sexual abuse for the most recent year available;
- b. The number of cases investigated and by what agency;
- c. The number of children found to have been abused;
- d. The number of persons referred for prosecution; and
- e. The number of persons actually prosecuted in Federal, state, or tribal court. (20 points)

2. Cost effectiveness of the project. Cost effectiveness will be based upon review of a budget which accurately reflects how grant funds will be used to promote the more effective handling,

investigation and prosecution of cases, and to make systemic changes. (20 points)

3. The appropriateness and soundness of program design. Appropriateness and soundness will be based upon such factors as: clarity of the presentation of specific problems; concise statements of goals and objectives that clearly address the identified issues; and a clear description of how the program will achieve stated goals and objectives. (20 points)

4. Evidence of a willingness to change current procedures, practices, laws and/or tribal codes and to adopt a multidisciplinary approach in order to improve the handling, investigation and prosecution of child abuse cases. Examples could be: letters of support for the proposed project from tribal, local, state and Federal agencies and officials who have a role in these cases; including, where appropriate, the U.S. Attorney who has responsibility for prosecuting Federal crimes; and a description of the process to be used to coordinate activities among all agencies and individuals that have responsibility for dealing with child abuse cases. (20 points)

5. Description of how the efforts contemplated under this program will result in a systemic change that will remain after program funds expire. (10 points)

6. Description of how the proposed program will result in identifiable, measurable outcomes. (10 points)

Each application will be evaluated based upon the above named criteria. OVC anticipates awarding 8 to 12 grants.

Application Deadline

Applications are due by August 13, 1990. Applications must be received at the Office for Victims of Crime by the close of business (5 p.m. EDT) or they will not be considered for funding.

Applications

Applicants should submit an original and two (2) copies of the proposal. All submissions must include:

1. A completed and signed Application for Federal Assistance, Standard Form 424, (SF-424 Rev. 4/88), including the Certified Assurances.
2. OJP Form 4061/3 (Certification Regarding Drug-Free Work Place Requirements).
3. OJP Form 4061/2 (Certification Regarding Debarment, Suspension, and Other Responsibility Matters).
4. A proposed budget outlining all costs for personnel, fringe benefits, travel, equipment, supplies, other (e.g., telephone, postage). Funds should also

be budgeted for travel to the two consortium meetings. For planning purposes, travel should be estimated for one trip to Denver, Colorado for 3 days and one trip to Huntsville, Alabama for 5 days. Federal per diem rates will be used.

5. An abstract of the full proposal, not to exceed one page.

6. A program narrative of *not more than 20 double-spaced typed pages*. The narrative should include the following information:

- A clear, concise statement of the problems experienced by the tribe in handling, investigating and prosecuting cases of serious child abuse.
- A description of how child abuse and child sexual abuse cases are currently handled, by law enforcement, social services, etc. and the Child Protection Team (CPT), if it is operational. This description should depict the system currently in place and include the role of all tribal, Federal and State agencies in investigating, referring, treating and prosecuting serious child abuse cases.

- The data and statistics required by the selection criteria.

- A clear statement of the project objectives, including a listing of the major events, activities, products and a timetable for completion.

- A clear explanation of how this project will result in systemic improvement in the investigation and prosecution of child sexual abuse cases while limiting trauma to child victims.

- The proposed management and staffing plan.

- The method of evaluating the proposed program.

7. Attachments to the narrative should include:

- Letters of support from agencies at the Federal, State and local levels that are also involved in handling, investigating and/or prosecuting child abuse cases.

- A brief history of all grants the tribe has received over the past 2 years related to: child abuse, spouse abuse, family violence, law enforcement and/or victimization.

- Copies of resumes for the proposed professional staff which summarize education and professional experience.

8. In order to facilitate handling, please do not use covers, binders, or tabs.

Application forms may be obtained by writing or telephoning: Federal Crime Victims Division, (202) 514-6444, OVC, 633 Indiana Avenue NW., Room 1352, Washington, DC 20531.

Grant Period and Award Amounts

Grants will range from \$50,000 to \$100,000 and will vary depending upon the demonstrated need of the tribe and the proposed activities. A total of \$600,000 is available for this grant program. The grants will be for twelve (12) months and may cover 100 percent of the project costs; no matching funds are required.

Approved:

Jane Nady Burnley,

Director, Office for Victims of Crime.

[FR Doc. 90-12292 Filed 5-25-90; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR**Office of the Secretary****Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)**

Background: The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the reporting and recordkeeping requirements that will affect the public.

List of Recordkeeping/Reporting Requirements Under Review: As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will

have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in.

Each entry may contain the following information:

The agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirements.

The OMB and Agency identification numbers, if applicable.

How often the recordkeeping/reporting requirement is needed.

Who will be required to or asked to report or keep records.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements and the average hours per respondent.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

Comments and Questions: Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, telephone (202) 523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., room N-

1301, Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OLMS/MSHA/OSHA/PWBA/VETS), Office of Management and Budget, room 3208, Washington, DC 20503 (Telephone (202) 395-6880).

Any member of the public who wants to comment on a recordkeeping/reporting requirement which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

New

Employment and training Administration

Evaluation of the Trade Adjustment Assistance Program

One-time

Individuals or households

1,500 respondents; 1,000 total hours; 40 minutes per response; no forms

4,500 recipients of benefits under the Trade Adjustment Assistance program and, for comparison, unemployment compensation will be interviewed. The data will be used to provide information on the labor market impact of alternative unemployment strategies for workers dislocated by import competition.

Revision

Employment and Training

Administration, Job Training

Quarterly Survey (JTQS), 1205-0231; JTQS 20, 21, 21(T)

Form No.	Affected public	Respondents	Frequency	Average time per response
JTQS 21	State/Local Govts: No-profit Institutions	170	Quarterly	10 minutes.
JTQS 20	do	130	One-time	20 minutes.
JTQS 21	do	55	Quarterly	10 minutes.

193 total hours

The Employment and Training Administration will use the data to evaluate programs and services funded under Title 2A and 3/EDWAA of the Job Training Partnership Act. Each quarter, the Census Bureau will collect data a 3,000 enrollees and 3,000 terminees from the files of Service Delivery Area Offices and state offices.

Extension

Bureau of Labor Statistics
Hours at Work Survey
OMB No. 1220-0076
Annual

Businesses or other for-profit; small businesses or organizations
15 minutes per response

Form No.	Affected industries	Respondents
2000N	Service-producing	1550
2000P	Goods-producing	3890.

1360 total hours

Hours at work information is needed in order to construct labor input measures for productivity statistics. The ratios of hours at work to hours paid provided by the survey are used to

convert hours paid of employees, which are based on data from the Current Employment Statistics program, to hours at work. The resulting hours at work measures are then incorporated into the Bureau's productivity statistics. The collection of information on hours at work began in 1982 and must be done annually.

Employment Standards Administration
Application for a Certificate to Employ Learners at Subminimum Wages
1215-0012; WH-209

State or local governments;
Businesses or other for profit; Small businesses or organizations

15 respondents; 7.5 total hours; .5 hr. per response; 1 form Employers are required by the Department of Labor to submit an application for authorization to pay learners subminimum wages under the provisions of section 14(a) of the Fair Labor Standards Act. DOL reviews this information for such authorization have been met.

Signed at Washington, DC, this 22nd day of May, 1990.

Theresa M. O'Malley,

Acting Departmental Clearance Officer.

[FR Doc. 90-12252 Filed 5-25-90; 8:45 am]

BILLING CODE 4510-30-M

Advisory Commission on United Mine Workers of America (UMWA) Retiree Health Benefits; Open Meeting

Summary: The Commission was established on March 12, 1990 to advise the Secretary of Labor on matters concerning health care issues arising from the United Mine Workers of America (UMWA) 1950 and 1974 Benefit Trusts and the effects of resolving these issues on the coal industry as a whole.

Time and Place: On June 13, 1990 at 9 a.m. the meeting will take place at the Frances Perkins Building (Main Labor), 200 Constitution Avenue, NW., Conference Room S-2508, Washington, DC 20210-0001.

Agenda: The purpose of this meeting will be to consider the items listed below:

1. Review principles to guide consideration of long term solutions.
2. Receive and discuss report on projections of benefit obligations and funding of 1950 and 1974 benefit plans, and funding status of 1950 and 1974 pension plans.
3. Receive and discuss report on plan design, including benefit schedules, cost containment and managed care approaches, compared with other relevant plans.

Public Participation: The meeting will be open to the public. Approximately 50 seats will be available for the public, including five seats reserved for the

media. Seats will be available on a first-come first-serve basis.

Submissions: Anyone may submit information or position papers to the Commission. Submissions shall be made by sending *twenty* copies to:

Executive Director, Coal Commission,
Room S-2508, U.S. Department of
Labor, 200 Constitution Avenue, NW.,
Washington, DC 20210-0001.

Submissions must identify the interest asserted by the submitter. Submissions shall be accompanied by a computer readable copy of the submission on a 5-1/4 or 3-1/2 inch magnetic disk (floppy disk) in either ASCII or Word Perfect format.

- The label on the diskette must identify the submitter, the date, the file name or names, and the format of the file.

- A 5-1/4 or 3-1/2 inch floppy disk need not accompany paper submissions, if a brief statement is attached to the paper explaining why forwarding a computer readable copy of the submission on a floppy disk is an unreasonable burden on the submitter.

Submissions not exceeding five typed pages also may be sent to the Commission by fax. Submissions sent to the Commission's fax number, 202-523-3442, must be followed by mailing to the Commission a copy of the submission on a 5-1/4 or 3-1/2 inch floppy disk.

Submissions received on or before June 11, 1990 will be accepted and included in the record of the meeting.

For Further Information Contact: Jan Horbaly, Executive Director, Coal Commission, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S-2508, Washington, DC 20210-0001, Telephone (202) 523-8271.

Signed at Washington, DC, this 22nd day of May, 1990

Elizabeth Dole,

Secretary of Labor.

[FR Doc. 90-12253 Filed 5-25-90; 8:45 am]

BILLING CODE 4510-23-M

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under title II, chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 8, 1990.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 8, 1990.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street NW., Washington, DC 20213.

Signed at Washington, DC this 14th day of May 1990.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Biltwell Co. (ACTWU)	Tipton, MO	5/14/90	5/07/90	24,408	Men's Slacks.
Boise Cascade (UBCJA)	Goldendale, WA	5/14/90	5/04/90	24,409	Lumber.
Boise Cascade (UBCJA)	Yakima, WA	5/14/90	5/04/90	24,410	Lumber.
Bowan Transportation (Workers)	Gadsden, AL	5/14/90	5/04/90	24,411	Trucking Service.
Chrysler Corp (UAW)	Toledo, OH	5/14/90	5/01/90	24,412	Autos.
Claire Mfg Co. (ILGWU)	Thurmont, MD	5/14/90	5/05/90	24,413	Dresses.
Cutronics, Inc. (Company)	Timonium, MD	5/14/90	5/01/90	24,414	Circuit Boards.
Data Card Corp. (USWA)	Holmesville, OH	5/14/90	5/04/90	24,415	Credit Card Machines.
F. Schumacher & Co. (UTWA)	Adams, MA	5/14/90	5/04/90	24,416	Home Fashions.
Grove Textiles, Inc. (Workers)	Dunmore, PA	5/14/90	4/30/90	24,417	Yarn.
Kellwood Co., Sportswear Div. (Company)	Pauls Valley, OK	5/14/90	5/01/90	24,418	Men's Jeans.
La Fashions (Company)	Hoboken, NJ	5/14/90	4/21/90	24,419	Ladies' Coats.

APPENDIX—Continued

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Maine Woods, Livermore Falls Div. (Workers)...	Livermore, Falls, ME.....	5/14/90	4/22/90	24,420	Women's Shoes.
Massena Aluminum Recovery Co., Inc. (ABGWIU).	Massena, NY.....	5/14/90	4/24/90	24,421	Aluminum.
Memorex-Telex Corp., Inc. (Workers).....	Tulsa, OK.....	5/14/90	4/30/90	24,422	Computers.
NEC (New Energy Corp.) (Workers).....	Cushing, OK.....	5/14/90	4/24/90	24,423	Oil and Gas.
PAR Technology Corp. (Workers).....	N. Hartford, NY.....	5/14/90	4/30/90	24,424	Cash Registers.
Petrodata Systems, Inc. (Workers).....	Edmond, OK.....	5/14/90	4/27/90	24,425	Oil and Gas.
Raw Hide Fleshing Machine Corp. (Company).	Macungie, PA.....	5/14/90	4/03/90	24,426	Machines for Processing Furs.
Viner Brothers (Workers).....	Presque Isle, ME.....	5/14/90	4/20/90	24,427	Shoes.

[FR Doc. 90-12255 Filed 5-25-90; 8:45 am]
BILLING CODE 4510-30-M

[TA-W-22,952]

Wedge Wireline Inc.; Notice of Investigation Regarding Termination of Certification of Eligibility To Apply for Worker Adjustment Assistance

In the matter of: Wedge Wireline, Inc., Odessa, TX., and operating out of locations in the following states: TA-W-22,952A Texas (except Odessa, TX); TA-W-22,952B LA and TA-W-22,952C OK

Following a Department of Labor investigation under section 222 of the Trade Act of 1974 ("the Act") and in accordance with section 223 of the Act, on July 19, 1989 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers of Wedge Wireline, Incorporated with locations in Texas, Louisiana, and Oklahoma. The workers were engaged in activities related to the exploration and drilling of crude oil and natural gas. The notice of certification was published in the *Federal Register* on August 11, 1989 (54 FR 33096-7).

Pursuant to section 223(d) of the Act and 29 CFR 90.17(a), the Director of the Office of Trade Adjustment Assistance has instituted an investigation to determine whether the total or partial separations of the certified workers of Wedge Wireline Incorporated under TA-W-22,952 A, B, and C continue to be attributable to the conditions specified in section 222 of the Act and 29 CFR 90.16(b).

Pursuant to 29 CFR 90.17(b) the group of workers or any other persons showing a substantial interest in the proceedings may request a public hearing or may make written submissions to show why the certification should not be terminated, provided, that such request or

submission is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, no later than

The record of the certification (TA-W-22,952 A, B, and C), containing non-confidential information is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room 6434, 601 D Street NW., Washington, DC 20213.

Signed at Washington, DC, this 18th day of May 1990.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 90-12256 Filed 5-25-90; 8:45 am]
BILLING CODE 4510-30-M

Labor Certification Process for the Temporary Employment of Aliens in Agriculture (H-2A Program); Procedures for Processing Applications Filed by Multistate Custom Combine Owner/Operators for 1990 Grain Harvest Season; Correction

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice; correction.

SUMMARY: This notice corrects the notice previously published in the *Federal Register* on May 10, 1990, at 55 FR 19680 (FR Doc. No. 90-10953) on "Labor Certification Process for the Temporary Employment of Aliens in Agriculture (H-2A Program); Procedures for Processing Applications Filed by Multistate Custom Combine Owner/Operators for 1990 Grain Harvest Season". The memorandum appended to this correction document inadvertently was omitted as an appendix to the document published on May 10, 1990.

All other portions of that document remain unchanged.

Signed at Washington, DC, this 21st day of May, 1990.

Robert A. Schaerfl,

Director, U.S. Employment Service.

March 5, 1990.

Memorandum For: Floyd Edwards, Dallas, Grace Kilbane, Kansas City, Luis Sepulveda, Denver

From: Donald J. Kulick, Administrator for Regional Management

Subject: H-2A Program: Procedures for Processing Applications Filed by Multistate Custom Combine Owner/Operators for 1990 Grain Harvest Season

The procedures which are applicable for processing H-2A applications filed by multistate custom combine owner/operators for the 1990 grain harvest season are the same as those which were published as a Notice in the *Federal Register* on Wednesday, April 12, 1989, (54 FR 14703). They remain in effect until further notice. Attached is a package containing a copy of the *Federal Register* Notice and copies of the "model" job order, i.e., ETA 750 and ETA 790, and attachments, as well as instructions for completing them.

Multistate custom combine owner/operators have been provided with copies of the "model" job order, and should be using these forms when they apply for H-2A certification for crew members for the 1990 grain harvesting season. Attachment No. 3 to Form 790 should reflect the itinerary for 1990. In all other respects, the forms are the same as those applicable to the 1989 season. While the minimum monthly wage rates for each State are the same in 1990 as they were in 1989, the 1990 Adverse Effect Wage Rates published in the *Federal Register* on February 6, 1990, are applicable as stated in the procedures at No. 6, Wages. The Canadian Embassy and Canadian employer representatives have been advised of the 1990 rates.

Questions should be directed to Gordon Freise at 8-535-0166.

[FR Doc. 90-12254 Filed 5-25-90; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration**[Docket No. M-90-74-C]****AMAX Coal Co.; Petition for Modification of Application of Mandatory Safety Standard**

AMAX Coal Company, P.O. Box 730, Marion, Illinois 62959 has filed a petition to modify the application of 30 CFR 77.800-2 (testing, examination, and maintenance of circuit breakers; record) to its Delta Surface Mine (I.D. No. 11-00625) located in Williamson County, Illinois. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that the operator maintain a written record of each test, examination, repair or adjustment of all circuit breakers protecting high-voltage circuits. The record is required to be kept in a book approved by the Secretary.

2. As an alternate method, petitioner proposes the use of a computer and computer program to gather and to maintain examination, testing, and repair records.

3. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 28, 1990. Copies of the petition are available for inspection at that address.

Dated: May 16, 1990.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 90-12257 Filed 5-25-90; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-90-75-C]**AMAX Coal Co.; Petition for Modification of Application of Mandatory Safety Standard**

AMAX Coal Company, P.O. Box 730, Marion, Illinois 62959 has filed a petition to modify the application of 30 CFR 77.900-2 (testing, examination, and maintenance of circuit breakers; record)

to its Delta Surface Mine (I.D. No. 11-00625) located in Williamson County, Illinois. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that the operator maintain a written record of each test, examination, repair or adjustment of all circuit breakers protecting low- and medium-voltage circuits serving three-phase alternating current equipment. The record is required to be kept in a book approved by the Secretary.

2. As an alternate method, petitioner proposes the use of a computer and computer program to gather and to maintain examination, testing, and repair records.

3. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 28, 1990. Copies of the petition are available for inspection at that address.

Dated: May 17, 1990.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 90-12258 Filed 5-25-90; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-90-72-C]**Arch of Kentucky, Inc.; Petition for Modification of Application of Mandatory Safety Standard**

Arch of Kentucky, Inc., P.O. Box 787, Lynch, Kentucky 40855 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its High Splint No. 2 Mine (I.D. No. 15-16084) located in Harlan County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be

installed on the mine's electric face equipment.

2. The mine is in the High Splint seam which ranges in height from 36 to 60 inches.

3. The use of canopies in this seam height on the mine's coal haulers would result in a diminution of safety because the canopies would:

(a) Decrease the equipment operator's visibility;

(b) Create discomfort to the equipment operator; and

(c) Strike roof bolts, thereby increasing the chances of an accident.

4. For these reasons, petitioner requests a modification of the standard in mining heights less than 48 inches.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 28, 1990. Copies of the petition are available for inspection at that address.

Dated: May 16, 1990.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 90-12259 Filed 5-25-90; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-90-70-C]**Clinchfield Coal Co.; Petition for Modification of Application of Mandatory Safety Standard**

Clinchfield Coal Company, P.O. Box 7, Dante, Virginia 24237 has filed a petition to modify the application of 30 CFR 75.1710-1(a) (cabs and canopies) to its McClure No. 2 Mine (I.D. No. 44-04946) located in Dickenson County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A Summary of the petitioner's statements follows:

1. The petition concerns the requirement that canopies be installed on the mine's electric face equipment at certain minimum heights.

2. The use of canopies on the mine's center-driven shuttle cars in mining heights less than 48 inches would result in a diminution of safety because canopies would:

- (a) Dislodge roof support;
- (b) Decrease the operator's visibility; and
- (c) Create discomfort to the operator.

3. For these reasons, petitioner requests a modification of the Standard in minimum heights less than 48 inches.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 28, 1990. Copies of the petition are available for inspection at that address.

Dated: May 17, 1990.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 90-12260 Filed 5-25-90; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-90-4-M]

Cominco Metals; Petition for Modification of Application of Mandatory Safety Standard

Cominco Metals, Magmont Mine Road, Bixby, Missouri 65439 has filed a petition to modify the application of 30 CFR 57.19003 (driving mechanism connections) to its Magmont Mine (I.D. No. 23-00456) located in Iron County, Missouri. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A Summary of the petitioner's statements follows:

1. The petition concerns the prohibition of using belt, rope, or chains to connect driving mechanisms to personnel hoists.
2. The small emergency portable hoist used at the mine is powered by a gasoline engine, is not operated at a speed exceeding 250 feet per minute, and the load factor on the hoist and rope will not exceed 3,000 pounds.
3. The driving mechanism for the hoist is a sprocket-type roller chain.
4. Prohibiting the use of this hoist would result in a diminution of safety for the workers at the mine.
5. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations, and

Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 28, 1990. Copies of the petition are available for inspection at that address.

Dated: May 16, 1990.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 90-12261 Filed 5-25-90; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-90-5-M]

Gold Bond Building Products; Petition for Modification of Application of Mandatory Safety Standard

Gold Bond Building Products, P.O. Drawer B, Medicine Lodge, Kansas 67104 has filed a petition to modify the application of 30 CFR 57.14130 (rollover protective structures; ROPS for surface equipment) to its Sun City Mine and Quarry (I.D. No. 14-00630) located in Barber County, Kansas. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that a 22 ton, side dump, haulage truck be equipped with rollover protective structures (ROPS).
2. The installation of rollover protective structure on petitioner's 1974 model Cline side dump haulage truck, 22 ton capacity, would prevent the truck from clearing the mine roof.
3. It is not feasible to install a ROPS each time it comes to the surface as the truck makes 15 to 17 trips per day.
4. In support of this request, petitioner states that the haul roads are very good with no embankments, so there is no danger of rollover, and the truck is only used as a spare haulage unit.
5. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 28, 1990. Copies of the petition are available for inspection at that address.

Dated: May 16, 1990.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 90-12262 Filed 5-25-90; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-90-73-C]

Island Creek Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Island Creek Coal Company, P.O. Box 11430, Lexington, Kentucky 40575-1430 has filed a petition to modify the application of 30 CFR 75.1002 (location of trolley wires, trolley feeder wires, high-voltage cables and transformers) to its Virginia Pocahontas No. 3 Mine (I.D. No. 44-01520), its Virginia Pocahontas No. 5 Mine (I.D. No. 44-03795) and to its Virginia Pocahontas No. 6 Mine (I.D. No. 44-04517) all located in Buchanan County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that trolley wires and trolley feeder wires, high-voltage cables, and transformers be kept at least 150 feet from pillar workings and not be located inby the last open crosscut.
2. As an alternate method, petitioner proposes to use high voltage cables inby the last open crosscut and within 150 feet of pillar workings with specific equipment and conditions as outlined in the petition.
3. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 28, 1990. Copies of the petition are available for inspection at that address.

Dated: May 17, 1990.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 90-12263 Filed 5-25-90; 8:45 am]

BILLING CODE 4510-43-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 90-35]

NASA Advisory Council (NAC), Commercial Programs Advisory Committee; Meeting**AGENCY:** National Aeronautics and Space Administration.**ACTION:** Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NAC, Commercial Programs Advisory Committee.

DATES: June 29, 1990, 8:15 a.m. to 3 p.m.

ADDRESSES: American Institute of Aeronautics and Astronautics, 10th Floor, Conference Room A, 901 D Street, SW., Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Dr. Barbara Stone, Office of Commercial Programs, National Aeronautics and Space Administration, Washington, DC 20546, 202/453-8720.

SUPPLEMENTARY INFORMATION: The Commercial Programs Advisory Committee is concerned with the overall NASA program supporting the commercial development of space, both relevant policies and program scope and content. The Committee is chaired by Mr. Edward Donley and is currently composed of 17 members.

The meeting will be closed to the public from 12 noon to 3 p.m. for a discussion of the qualifications of candidates for membership. Such a discussion would invade the privacy of the candidates and other individuals involved. Since this discussion will be concerned with matters listed in 5 U.S.C. 552b(c)(6), it has been determined that the meeting be closed to the public for this period of time. Prior to the closed session, the meeting will be open to the public up to the seating capacity of the room, which is approximately 40 persons including the Committee members and other participants.

TYPE OF MEETING: Open—except for a closed session as noted in the agenda below.

AGENDA:

June 29, 1990

8:15 a.m.—Welcome.

8:45 a.m.—Commercial Programs Update.

10:30 a.m.—Discussion of 1990-1991 Activities.

12 noon—Closed Session.

3 p.m.—Adjourn.

Dated: May 22, 1990

John W. Gaff,

*Advisory Committee Management Officer,
National Aeronautics and Space
Administration.*

[FR Doc. 90-12347 Filed 5-25-90; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES**Agency Information Collection Under OMB Review****AGENCY:** National Endowment for the Humanities.**ACTION:** Notice.

SUMMARY: The National Endowment for the Humanities (NEH) has sent to the Office of Management and Budget (OMB) the following proposals for the collection for information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

DATES: Comments on this information collection must be submitted on or before June 28, 1990.

ADDRESSES: Send comments to Ms. Susan Daisey, Assistant Director, Grants Office, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW., room 310, Washington, DC 20506 (202-786-0494) and Mr. Joe Lackey, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., room 3002, Washington, DC 20503 (202-395-7316).

FOR FURTHER INFORMATION CONTACT: Ms. Susan Daisey, Assistant Director, Grants Office, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW., room 310, Washington, DC 20506 (202) 786-0494 from whom copies of forms and supporting documents are available.

SUPPLEMENTARY INFORMATION: All of the entries are grouped into new forms, revisions, or extensions. Each entry is issued by NEH and contains the following information: (1) The title of the form; (2) the agency form number, if applicable; (3) how often the form must be filled out; (4) who will be required or asked to report; (5) what form will be used for; (6) an estimate of the number of responses; (7) an estimate of the total number of hours needed to fill out the form. None of these entries are subject to 44 U.S.C. 3504(h).

Category: Reinstatement**Title:** Process of Application.

Evaluation, Award, and Report of
NEH Summer Stipends

Form Number: OMB No. 3136-0050**Frequency of Collection:** Annual

Respondents: Scholars, writers, and teachers in the humanities

Use: Application for funding, evaluation, award-making, and reporting for NEH Summer Stipends

Estimated Number of Respondents:
11,356

Frequency of Response: Once

**Estimated Hours for Respondents to
Provide Information:** 1.53 per
respondent

**Estimated Total Annual Reporting and
Recording Burden:** 17,499

Thomas S. Kingston,

Assistant Chairman for Operations.

[FR Doc. 90-12313 Filed 5-25-90; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION**Statement of Organization****1. Creation and Authority**

The National Science Foundation (NSF) is an independent agency of the U.S. Government, established by the National Science Foundation Act of 1950, as amended, and related legislation, 42 U.S.C. 1861 *et seq.* NSF was given additional authority by the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885), and Title I of the Education for Economic Security Act (20 U.S.C. 3911 to 3922). The Foundation consists of the National Science Board of 24 part-time members and a Director (who also serves as *ex officio* National Science Board member), each appointed by the President with the advice and consent of the U.S. Senate. Other senior officials include a Deputy Director who is appointed by the President with the advice and consent of the U.S. Senate, and eight Assistant Directors. The Foundation's organic legislation authorizes it to:

a. Initiate and support basic scientific research and programs to strengthen scientific research potential and science education programs at all levels in the mathematical, physical, medical, biological, social, and other sciences, and to initiate and support research fundamental to the engineering process and programs to strengthen engineering research potential and engineering education programs at all levels in the various fields of engineering, by making contracts or other arrangements (including grants, loans, and other forms of assistance) to support such scientific, engineering and educational activities;

b. Award scholarships and graduate fellowships for study and research in the sciences or in engineering;

c. Foster the interchange of scientific and engineering information among

scientists and engineers in the United States and foreign countries;

d. Foster and support the development and user of computer and other scientific and engineering methods and technologies, primarily for research and education in the sciences and engineering;

e. Evaluate the status and needs of the various sciences and fields of engineering as evidenced by programs, projects, and studies undertaken by agencies of the Federal Government, by individuals, and by public and private research groups, employing by grant or contract such consulting services as it may deem necessary for the purpose of such evaluations; and to take into consideration the results of such evaluations in correlating the research and educational programs undertaken or supported by the Foundation with programs, projects, and studies undertaken by agencies of the Federal Government, by individuals, and by public and private research groups;

f. Provide a central clearinghouse for the collection, interpretation, and analysis of data on scientific and engineering resources and to provide a source of information for policy formulation by other agencies of the Federal Government;

g. Initiate and maintain a program for the determination of the total amount of money for scientific and engineering research, including money allocated for the construction of the facilities wherein such research is conducted, received by each educational institution and appropriate nonprofit organization in the United States, by grant, contract, or other arrangement from agencies of the Federal Government, and to report annually thereon to the President and the Congress;

h. Initiate and support specific scientific and engineering activities in connection with matters relating to international cooperation, national security, and the effects of scientific and engineering applications upon society by making contracts or other arrangements (including grants, loans, and other forms of assistance) for the conduct of such activities;

i. Initiate and support scientific and engineering research, including applied research, at academic and other nonprofit institutions;

j. Recommend and encourage the pursuit of national policies for the promotion of research and education in science and engineering; and

k. Strengthen research and education in the sciences and engineering, including independent research by individuals, throughout the United States, and to avoid undue

concentration of such research and education.

2. Organization

The Foundation is organized along functional and disciplinary lines corresponding to program support of science, engineering, and science and engineering education.

a. National Science Board

The National Science Board is composed of 25 members, including the Director of the Foundation *ex officio*. Members serve for 6-year terms and are selected because of their distinguished service in the fields of the basic, medical, or social sciences, engineering, agriculture, education, public affairs, or research management. They are chosen in such a way as to be representative of scientific and engineering leadership in all areas of the Nation. The officers of the Board, the Chairman and Vice Chairman, are elected by the Board from among its members for 2-year terms. The Board exercises authority granted it by the NSF Act, including establishing policies for carrying out the purposes of the Act. Meetings of the Board are governed by the Government in the Sunshine Act (Pub. L. 94-409) and the Board's Sunshine Act regulations (45 CFR part 614). The policies of the Board on the support of science and engineering and development of human resources are generally implemented through the various programs of the Foundation. The National Science Board is required by statute to render a biennial report on indicators of the state of science and engineering to the President for submission to the Congress.

B. Director

The Director of the National Science Foundation is Chief Executive Officer of the Foundation and serves *ex officio* as a member of the National Science Board and as Chairman of its Executive Committee. The Director is responsible for the execution of the Foundation's programs in accordance with the NSF Act and other provisions of law. The Director is also responsible for duties delegated to him by the Board and for recommending policies to the Board. The Director is assisted by a Deputy Director who is appointed by the President, with the advice and consent of the Senate. The Senior Science Advisor serves as science advisor to the Director providing broad policy-level advice, as well as assistance and support on a wide range of scientific and policy matters relevant to the mission of the Foundation.

3. Activities of the Foundation

The activities of the Foundation are carried out by a number of Foundation components reporting to the Director through their respective senior officers.

a. Staff Offices

1. National Science Board Office (NSBO)

NSBO is responsible for operating and representing the National Science Board, identifying policy issues for consideration by the Board, developing congressional testimony for Board members, and providing liaison between the Board and the Director and his staff.

a. *Office of the Inspector General (OIG)*. OIG is an independent organization which conducts audits and investigations of NSF and grantee programs, operations, and internal controls; provides guidance and advice on legal and policy issues; promotes economy, efficiency and effectiveness and combats fraud, waste, abuse, and mismanagement; examines allegations of scientific misconduct in science and engineering; and ensures that management and the Congress are aware of significant problems and/or issues relating to the administration and operation of NSF. OIG is the focal point for liaison activities with other federal audit and Inspector General organizations in the Executive Branch, the General Accounting Office, state and local government audit organizations, and the public sector's independent auditors. OIG is responsible for reporting semiannually to the Congress on the status of OIG operations and results of work performed. It is also responsible for assuring resolution, follow-up and tracking of audit recommendations, and maintaining a system of records for investigations.

2. Office of Budget and Control (OBAC)

OBAC is responsible for the development, analysis, and execution of the Foundation's budget to the Office of Management and Budget (OMB) and the Congress and for evaluation of NSF programs and related activities. This responsibility encompasses budget formulation and development in cooperation with the Director, the National Science Board, Assistant Directors, and other staff, working with staff and officials of OMB and the Office of the Science and Technology Policy, appropriate budget execution and control through operating plans and special analysis, and assisting in the development of long-range plans for the Foundation.

a. *Budget Division.* The Budget Division is responsible for supporting the Foundation's planning activities and for the translation of plans into resource requests. The staff prepares and defends the Agency's budget request. They are responsible for developing and maintaining budget/management procedures, data bases, and monitoring systems for providing budget control on behalf of the Director. They also prepare, manage, and monitor the Foundation's Program Development and Management budget and prepare and manage the Foundation's annual current and operating plans.

b. *Program Evaluation Staff.* The Program Evaluation Staff is responsible for providing studies to the Director to assess whether the award decision and the results of NSF funding are in conformance with NSF policy and Congressional intent. This is done by conducting post-performance evaluations of research programs, studies which use reviewer ratings to assess the integrity of the award decision process, and studies to assess the contribution the Foundation's programs make to scientific and technological advancements.

3. Office of Information Systems (OIS)

OIS is responsible for development, operation, maintenance, and oversight of automated systems that provide management information and support program and administrative staff activities throughout the Foundation's business cycle. Included are policy development, technical assistance, systems analysis, computer programming, operation of the central computer facility, and implementation and coordination of distributed processing systems and external computing services.

a. *Information Management Division (IMD).* IMD is responsible for developing automated application systems and data bases.

b. *Technological Environment Division (TED)* TED is responsible for managing NSF's technological infrastructure. The Division's Security Officer is responsible for ADP security programs and procedures.

4. Office of Legislative and Public Affairs (OLPA)

OLPA is responsible for representing the Foundation, the Director, and key associates in relationships with the Congress, the communications media and the public, various academic groups and professional societies, institutions, and other NSF clientele.

a. *Division of Legislative Affairs (DLA).* DLA is responsible for managing

the relations of the Foundation with Congress and with state officials concerned with science and technology. This includes supporting the communications activities of the Director and Deputy Director of NSF with respect to Congress and state government officials; tracking legislative activity and other policy developments at the federal and state level and informing and advising senior NSF staff as necessary; responding to requests for information from Congress and state government officials; and supporting the policies of the NSF Director and the Administration in every way with the Congress and other audiences.

b. *Division of Public Affairs (DPA).* DPA is responsible for managing all the public affairs of the Foundation. This includes information, publications, and media relations. It includes issues development and supporting the communications activities of the Director and Deputy Director of NSF with respect to the industrial and academic professional communities, political authorities, and the public. DPA also includes special outreach activities such as National Science and Technology Week, communications efforts of a general nature by Foundation professional staff, Freedom of Information Act activities, and the NSF History program.

5. Office of the General Counsel (OGC)

OGC provides legal advice to the Director, the National Science Board, and NSF staff and represents them in legal matters, including the development of laws and regulations likely to affect the NSF, science, or the use of science. OGC also prepares and coordinates NSF comments on proposed legislation.

6. Office of Science and Technology Centers Development (STC)

STC provides a focal point for general inquiries about the S&T Centers Program; helps stimulate other sectors (industry, the states) to support and participate in the S&T Centers; manages budget and planning activities related to the Program; develops relevant program announcements and proposal solicitations; coordinates the review of S&T Centers proposals; coordinates the management of Center awards; and tracks center and group research support activities across the Foundation.

7. Research Facilities Office (RFO)

The Foundation provides competitively awarded grants for the repair, renovation, or, in exceptional cases, replacement of facilities used for research and research training at academic and non-profit institutions.

The primary goals are to promote the modernization of science and engineering research laboratories and related facilities at institutions of higher education, independent nonprofit research institutions, research museums, and consortia thereof; to assist those academic institutions that historically have received relatively little federal funds to improve their science and engineering infrastructures; and to broaden and strengthen the national's science and engineering base.

b. Directorates

Directorate for Administration

1. *Office of Equal Opportunity (OEO).* OEO is responsible for assisting management in developing, maintaining, and carrying out a continuing Agency-wide affirmative action program and for developing all other aspects of the Agency's equal opportunity program.

2. *Division of Administrative Service (DAS).* DAS is responsible for the management and direction of the official travel services and conference arrangements; procurement, issuance and maintenance of supplies, materials, and equipment; space management; telecommunications and building maintenance; records disposition; mail and messenger services; property accountability; warehouse management; document and building security; printing, typesetting, graphics, reproduction and binding services; publications distribution and storage; and the NSF Library.

3. *Division of Financial Management (DFM).* DFM is responsible for the development, coordination, and direction of financial management policies, programs, and operations, and for the design of modern automated business management systems. This Division provides funds control, payroll and disbursing services, and maintains accounting systems to manage the financial aspects of Foundation operations and to produce timely and accurate data for financial management and budgetary purposes.

4. *Division of Grants and Contracts (DGC).* DGC is responsible for the award process including negotiation and administration of grants and contracts or other arrangements in accordance with existing laws, regulations, and Foundation policy and procedures. Negotiation includes those activities necessary to obtain agreement on the arrangements between the grantee or contractor and the Foundation prior to the making of an award. Administration includes those activities necessary to execute the award, monitor

performance, and close out the grant or contract, as well as automated systems and audit resolution, indirect cost analysis, procurement reporting, intergovernmental reviews, small and disadvantaged business programs, contracting out, and other special activities. The Division also develops and coordinates the implementation of Foundation grant, contract and cooperative agreement administration policies and procedures with staff, external organizations and other Federal agencies.

5. *Division of Personnel and Management (DPM)*. DPM is responsible for planning, developing, and implementing the personnel management program of the Foundation to provide for the effective acquisition, retention, motivation, development, and use of NSF personnel. The Division is also responsible for improvement of Foundation management systems and procedures, management of the NSF Internal Issuance System, and the Committee Management Program.

Directorate for Biological, Behavioral, and Social Sciences (BBS)

1. *Division of Molecular Biosciences (DMB)*. Research in the Molecular Biosciences increases fundamental understanding of the chemical, genetic and physical processes underlying biological phenomena. This Division emphasizes:

- a. Research leading to advances in plant molecular biology;
- b. All aspect of research in molecular genetics, such as the organization, recombination, regulation, and transmission of heritable information in organisms ranging from microbes to animals; and
- c. Interdisciplinary approaches to molecular biological problems involving chemical, mathematical and physical techniques.

2. *Division of Cellular Biosciences (DCB)*. Research in the Cellular Biosciences elucidates the mechanisms by which all organisms—animals, plants and microorganisms—grow, develop, reproduce and function. The emphasis is on experimental studies to examine how life processes are initiated, regulated and integrated from the level of genes to cells, organs and organisms.

3. *Division of Biotic Systems and Resources (BSR)*. Research in Biotic Systems and Resources seeks to increase understanding of the interrelationships of organisms as they exist in nature. Studies of ecological relationships examine those processes linking together plants, animals, microorganisms, and the nonliving parts of their ecosystems—soil, air and water.

Because the processes respond to changes in climatic variables and in turn influence atmosphere composition, this knowledge is important to understanding global change.

4. *Division of Behavioral and Neural Sciences (BNS)*. Research in the Behavioral and Neural Sciences advances understanding of the biological, environmental, and cultural factors that underlie the behavior of humans and animals. Explicit emphasis is given to nervous system structure and function. Serving as a bridge between the biological and the social sciences, BNS supports research requiring a wide variety of techniques at levels ranging from the molecular to the cultural.

5. *Division of Social and Economic Science (SES)*. SES supports disciplinary and interdisciplinary research on human social behavior and social organizations and systems. The scope of this research ranges from studies of market behavior and business decision making, risk assessment and analysis, and to studies of the productivity and structural organization of science and technology. SES also maintains major collections of high quality social science data and supports research on social measurement and statistical methods of social and economic data analysis.

6. *Division of Instrumentation and Resources (DIR)*. DIR provides centralized management of funding for most major scientific resources within the BBS Directorate. With the increasing importance of resources and instrumentation to major advancement within a field, centralized support ensures a balanced provision of essential resources to all sciences.

Directorate for Computer and Information Science and Engineering (CISE)

1. *Division of Computer and Computation Research (CCR)*. Computer and computation research discovers the laws which govern problem-solving procedures and develops computing systems which test and utilize the laws. Topics for study include:

- a. Strategies and algorithms for solving problems, methods of representing and transforming information;
- b. Programs and software systems for solving large problems or controlling large systems; and
- c. Machines for executing programs.

2. *Division of Information, Robotics and Intelligent Systems (IRIS)*. IRIS supports research to improve basic understanding and design of information systems that enhance our ability to work live in complex environments. Research in this Division focuses on how to

provide the best computational structures and physical devices to facilitate the use of information. Research to improve understanding of economic and societal consequences of advanced network technologies in organizations and other distributed work environments is also supported.

3. *Division of Microelectronics Information Processing Systems (MIPS)*. MIPS supports research and education related to the design, prototyping, testing and evaluation of information and signal processing systems. The research includes:

- a. Analytical, simulation and architectural studies;
- b. Experimental research on working prototypes of novel computer and information processing systems;
- c. Improvement of the necessary research tools; and
- d. An educational component to train the scientists and engineers needed to provide the necessary human resources for this rapidly evolving and changing field.

4. *Division of Advanced Scientific Computing (ASC)*. ASC provides the science and engineering basic research community access to advanced computational facilities through support of four nationally accessible Supercomputer Research Centers:

- a. The San Diego Supercomputer Center at the University of California at San Diego;
- b. The National Center for Supercomputing Applications at the University of Illinois;
- c. The Pittsburgh Supercomputing Center; and
- d. The Cornell National Supercomputing Facility at Cornell University.

5. *Division of Networking and Communications Research and Infrastructure (NCRI)*. NCRI supports the development and operation of the NSFNET computer network for research and education, and fundamental scientific and engineering research on communications theory and data networks. The research and network service functions are integrated, creating the mechanism for fast translation of research into practice and driving research toward new problems based on experience.

6. *Office of Cross-Disciplinary Activities (CDA)*. CDA manages and coordinates programs that cut across the CISE Division. All are focused on improving the human and material infrastructure for computing research and education in the Nation's universities and colleges. The Division also coordinates NSF-wide education

and human resource activities within CISE.

Directorate for Engineering (ENG)

1. *Division of Biological and Critical Systems (BCS)*. BCS is comprised of two areas of activity: (1) Bioengineering and Environmental Systems; and (2) Hazard Mitigation. The Bioengineering and Environmental Systems area is concerned with expanding the knowledge base of bioengineering, in improving the ability to cope with threats to the physical environment, and in exploring basic engineering problems in the development, conservation and use of ocean resources and systems. The Hazard Mitigation area seeks to develop a basic engineering understanding of potentially destructive natural phenomena such as earthquakes, floods, sea level rise, green house effects, expanding and collapsing soils, destructive winds, landslides, and storm surges.

2. *Division of Chemical and Thermal Systems (CTS)*. CTS funds research which strengthens the fundamental engineering base for technologies involving chemical, thermal and flow processes. The processes are important in areas like microelectronics, commodity and specialty chemicals, pharmaceuticals, energy production and transfer, molecular engineering of advanced materials, and chemical processing of hazardous waste.

3. *Division of Electrical and Communications Systems (ECS)*. ECS directs its efforts towards enhancing the engineering knowledge base for electrical, electronic, electromechanical or optical technologies. It also develops the tools and techniques for computational simulation in engineering research, and generic principles and methodologies that support engineering systems.

4. *Division of Mechanical and Structural Systems (MSS)*. MSS seeks to expand fundamental engineering knowledge in mechanics, structures, materials engineering, and mechanical systems. Research supports:

- The design and control of machine systems with superior performance characteristics;
- The creation of new and more cost effective structures;
- The understanding of mechanisms for deterioration of constructed structures; and
- Fundamental research in geomechanics to improve ground stability and performance of surface and subsurface structures.

5. *Division of Design and Manufacturing Systems (DDM)*. DDM seeks to expand the scientific

foundations of design, manufacturing and computer-integrated engineering. This long-term effort will deepen our understanding of the processes, operations and systems which comprise our manufacturing base and make the base more receptive to innovation. The long range goal is enhanced manufacturing efficiency and integration of all production and logistics operations into flexible and adaptable systems. Complementing the effort is support of the development of operations research methodologies that underlie the full range of engineering production systems.

6. *Division of Engineering Centers (ECD)*. ECD supports university-based research centers aimed at enhancing U.S. industrial competitiveness by strengthening university/industry coupling in research and education. The Centers focus research teams on knowledge breakthroughs underlying technological advances and increase cooperation among university engineers, scientists and their industrial counterparts. A major goal is to improve engineering education to better prepare students for engineering practice.

7. *Division of Engineering Infrastructure Development (DEID)*. DEID supports and coordinates within ENG activities to strengthen the Nation's engineering infrastructure, including education, human resources, instrumentation and facilities. DEID programs are focused upon developing the quality of engineering professionals essential to continuously improving the competitive position of the United States.

Directorate for Geosciences (GEO)

1. *Division of Atmospheric Sciences (ATM)*. Atmospheric sciences build on the foundation of physics, chemistry, mathematics, and other sciences to study the composition and behavior of the earth's atmosphere and the geospace environment. This research is necessary to improve understanding and prediction of weather, climate, and the global environmental system. The National Science Foundation provides approximately 50 percent of the total federal support for basic research in the atmospheric sciences.

2. *Division of Earth Sciences (EAR)*. Basic research in the Earth Sciences provides a fundamental understanding of processes and forces that govern the nature and behavior of the solid earth. Such research is essential to help predict and resolve a number of practical problems, including the prediction of natural disasters such as earthquakes, landslides and volcanic eruptions; the location and extraction of

energy and mineral resources; the evaluation of human activities such as dam construction and the disposal of chemical and nuclear wastes; and the management of ground water resources.

3. *Division of Ocean Sciences (OCE)*. Research in the Ocean Sciences seeks to improve understanding of the sea and ocean basins. Basic research programs support individual scientists, small groups of cooperating scientists, and some large projects. The Ocean Sciences Division also supports efforts to develop, acquire, and operate instruments and facilities needed to carry out these research activities.

4. *Division of Polar Programs (DPP)*. DPP fosters, in the antarctic and arctic regions, multidisciplinary research that helps (1) to solve regional and worldwide problems and to protect the environment, and (2) ensure equitable and prudent use of resources.

Directorate for Mathematical and Physical Sciences (MPS)

1. *Division of Mathematical Sciences (DMS)*. DMS fosters the creation and development of mathematical ideas, methods, and techniques and promotes their use in improving our understanding of physical, biological, engineering, and social phenomena. Support for significant research and related infrastructure activities ensures the continuing vitality and long-range health of the discipline. All subdisciplines of the mathematical sciences, from those with the sharpest intrinsic focus to those that reach out to other areas of knowledge, are supported to encourage interaction and provide a healthy balance among them.

2. *Division of Astronomical Sciences (AST)*. Astronomy is the application of physics, chemistry, and mathematics to the entire universe beyond the earth. The objective in astronomical sciences is to increase our understanding of the physical nature of the universe, particularly the solar system, the sun and individual stars, star clusters, the Milky Way and other galaxies, and special objects such as molecular clouds and quasars. In the last few years, studies have increasingly focused on the characteristics of the large-scale structure of the universe itself.

3. *Division of Physics (PHY)*. The Physics Division supports the development of new knowledge about the existence, structure, and interactions of the various forms of matter and energy, and about the basic forces that govern these interactions.

4. *Division of Chemistry (CHEM)*. Chemistry is the science of molecules, the units of matter which constitute all

materials and substances in the universe. Chemistry is also a science of people, because the groundbreaking advances in chemistry are repeatedly made by individuals and small groups of scientists in laboratories around the Nation. Chemistry has become a high-technology science with critical impact on our Nation's economy. Chemistry is one of the principal U.S. industries contributing a large positive balance of foreign trade.

5. *Division of Materials Research (DMR)*. DMR supports research to advance the fundamental understanding of the physics and chemistry of materials, to promote the development of new materials with novel or superior properties, and to further the understanding of interrelationships among synthesis and processing, structure and composition, properties, and performance of materials at molecular, microscopic, and macroscopic levels.

Directorate for Scientific, Technological, and International Affairs (STIA)

1. *Division of Science Resources Studies (SRS)*. SRS responds to the NSF legislative mandate to "provide a central clearinghouse for the collection, interpretation, and analysis of data on scientific and engineering resources, and to provide a source of information for policy formulation by other agencies of the Federal Government * * *". SRS surveys are a primary source of U.S. science and engineering statistics on people, R&D funding, and academic infrastructure. They form the basis for congressionally-mandated reports such as Science and Engineering Indicators; Women and Minorities in Science and Engineering; Scientific and Engineering Research Facilities at Universities and Colleges; and Federal Obligations to Universities and Colleges.

2. *Division of Policy Research and Analysis (PRA)*. PRA provides analyses of national science and technology policy issues. Studies focus on:

- The role of academic research in the changing economic and technological environment;
- The economics of U.S. academic research activity;
- The future supply of scientists and engineers, i.e., the science and engineering pipeline; and
- Other special policy issues.

3. *Division of Research Initiation and Improvement (DRII)*. DRII supports programs that strengthen the Nation's human, institutional, and regional science and technology (S&T) resource base. Programs are conducted in cooperation with NSF discipline-

oriented activities. The objectives of this Division are to:

- Remove barriers that inhibit full participation of individuals, institutions, and regions in the Nation's S&T effort;
- Improve access to S&T resources by institutions and States whose participation and performance in science and engineering research and education activities are below the national average;
- Increase research opportunities for faculty—especially women, minorities, and persons with disabilities—as well as for faculty from predominantly undergraduate institutions so that they may participate more fully in the Nation's S&T enterprise; and
- Strengthen and diversify the human resource and institutional base on which the Nation's performance in science and technology depend.

4. *Division of Industrial Science and Technological Innovation (ISTI)*. ISTI has primary responsibility for the Small Business Innovation Research (SBIR) Program. SBIR funds small R&D-based and product-based companies to perform research leading to rapid commercialization of new products and processes.

5. *Division of International Programs (INT)*. INT supports international cooperative programs that benefit the U.S. science and engineering enterprise. Objectives of the program are to:

- Increase the access of U.S. scientists and engineers to research environments and facilities abroad;
- Coordinate NSF participation in cooperative scientific agreements with over 30 countries, supporting high priority S&T initiatives with Japan and the European Community, as well as the Soviet Union, India, Brazil, and Pacific Rim countries;
- Assist the Executive Office of the President and the Department of State in carrying out U.S. foreign policy related to science and technology; and
- Manage NSF participation in international and multilateral organizations, e.g., the International Council of Scientific Unions (ICSU), as well as support research projects in organizations such as the International Institute for Applied Systems Analysis (IIASA).

Directorate for Science and Engineering Education (SEE)

1. *Division of Teacher Preparation and Enhancement (DTPE)*. Since teachers are the core of the educational system, the improvement of science and mathematics education places strong emphasis on programs for those who will teach these subjects. Accordingly, the Teacher Preparation and

Enhancement Division promotes and supports activities to improve (1) the preparation of those seeking to become teachers, (2) continued professional development of active teachers, (3) development of support networks for teachers, and (4) recognition of outstanding teachers.

2. *Division of Materials Development, Research, and Informal Science Education (MDRISE)*. This Division seeks to increase the quality of science, mathematics, and technology education at all precollege levels by improving the instructional materials and teaching methods used in the classroom and by enriching the environment for informal learning outside the school. Efforts are focused particularly on reinforcing the positive attitudes toward science that are typical of beginning students and on providing rich science experiences that encourage continuing participation in scientific studies.

3. *Division of Undergraduate Science, Engineering, and Mathematics Education (USEME)*. The National Science Foundation has established a permanent and evolving Agency-wide effort to support fresh, high quality approaches to undergraduate science, engineering and mathematics education. Undergraduate education is the essential bridge between the secondary schools and both professional careers and graduate education.

4. *Division of Research Career Development (DRCD)*. The Research Career Development Division promotes the career development of young scientists and engineers, and thereby helps to assure a steady flow of high-ability students through the educational and research training systems of the Nation. This objective is addressed through the Graduate Research Fellowships Program, comprising Graduate Fellowships, Minority Graduate Fellowships and Graduate Fellowships for Women in Engineering, which promotes the future strength of the Nation's scientific endeavors by recognizing and supporting the most promising graduate students; and through the Young Scholars Program, which provides summer and academic-year enrichment opportunities for high potential junior and senior high school students who have the ability to pursue careers in science and engineering.

5. *Office of Studies and Program Assessment (OSPA)*. OSPA serves as a source of data and evaluation information about science, mathematics, and engineering education in the United States, and provides analytical and policy studies to support the education

leadership efforts of the Foundation. OSPA has two components:

a. Studies and Analysis. Projects are supported which provide data on national trends and other information to assist the Foundation and other agencies in developing initiatives to strengthen science, mathematics, and engineering education in the United States.

b. Program Assessment. Evaluation activities are supported in conjunction with NSF's science and mathematics education programs to assist them and the SEE Directorate in program planning.

Information for Guidance of the Public

1. *Inquiries and Transaction of Business*

All inquiries, submittals, or requests should be addressed to the National Science Foundation, Washington, DC 20550. The public may visit Foundation offices at 1800 G Street NW., Washington, DC during business hours, 8:30 a.m. to 5 p.m., Monday through Friday. The Division of Personnel and Management has a Telephonic Device for the Deaf (TDD) which assists individuals with hearing impairment in obtaining information about NSF programs or employment. The TDD number is 202-357-7492.

2. *General Description of Award Processing*

The Foundation accomplishes its mission primarily through the award of grants and other agreements to universities, colleges, and other nonprofit organizations, as well as to individuals and profit-making organizations. In instances where NSF has a specially assigned mission, or where services are being procured, contracts are used rather than grants. Generally, a person or organization desiring support should submit a request, application, or proposal in accordance with NSF guidelines. If the request is approved, NSF will provide financial support. NSF supports basic and applied research and education in the sciences and engineering. Ordinarily grants are made on the basis of merit after a review process involving several qualified outside commentators drawn from the scientific, educational, and industrial communities.

3. *Honorary Awards*

The National Science Foundation presents annually the Alan T. Waterman Award to an outstanding young scientist or engineer for support of research and study. Periodically, the National Science Board presents the honorary Vannevar Bush Award to a

person who, through public service activities in science and technology, has made an outstanding contribution toward the welfare of mankind and the Nation. The two awards are designed to encourage individuals to seek to achieve the Nation's objectives in scientific and engineering research and education.

The Foundation also provides support for the President's Committee on the National Medal of Science.

4. *Employment*

Inquiries may be directed to the National Science Foundation, Division of Personnel and Management, room 208, Washington, DC 20550. Phone, 202-357-9859, or, for the hearing impaired (TDD), 202-357-7492.

5. *Board and Committee Meetings*

Meetings of the National Science Board and NSF advisory groups are published in the **Federal Register**. Additional information about the Board can be obtained by contacting the Board Office at 202-357-9585. Information about advisory groups may be obtained from the contact person listed in the meeting notice or from the Division of Personnel and Management, room 208, Washington, DC 20550. Phone, 202-357-9520.

6. *Freedom of Information Act Requests*

Requests for agency records should be submitted in accord with the Foundation FOIA regulation at 45 CFR part 612. Such requests should be clearly identified with "FOIA REQUEST" and be addressed to the Office of Legislative and Public Affairs, room 527, Washington, DC 20550. Phone, 202-357-9498.

7. *Privacy Act Requests*

Requests for personal records should be submitted in accord with the Foundation Privacy Act regulation at 45 CFR part 613. Such requests should be clearly identified with "PRIVACY ACT REQUEST" and be addressed to the Privacy Act Officer, room 208, Washington, DC 20550. Phone, 202-357-9520.

8. *Reading Room*

A collection of Foundation policy documents and staff instructions, as well as current indexes, are available to the public for inspection and copying during regular business hours, 8:30 a.m. to 5 p.m., Monday through Friday, in the National Science Foundation Library, room 248, Washington, DC 20550. Phone, 202-357-7811.

9. *Office of the Inspector General*

General inquiries may be directed to the Office of the Inspector General, National Science Foundation, room 1241, Washington, DC 20550. Phone, 202-357-9457.

10. *Grants*

Individuals or organizations who plan to submit grant proposals should refer to the NSF Guide to Programs, Grants for Research and Education in Science and Engineering (GRESE), and appropriate program brochures and announcements.

11. *Fellowships*

Consult NSF Guide to Programs and appropriate announcements and brochures for postdoctoral fellowship opportunities that may be available through some Foundation divisions. Beginning graduate and minority graduate students wishing to apply for fellowships should contact the Directorate for Science and Engineering Education. Phone, 202-357-7856.

12. *Contracts*

The Foundation publicizes contracting and subcontracting opportunities in the Commerce Business Daily and other appropriate publications. Organizations seeking to undertake contract work for the Foundation should contact either the Division of Grants and Contracts (phone, 202-357-7880) or the Division of Administrative Services (phone, 202-357-7922), National Science Foundation, Washington, DC 20550.

13. *Publications*

The National Science Board assesses the status and health of science and its various disciplines, including such matter as national resources and manpower, in report submitted to the President for submission to the Congress. The most recent report is Science and Engineering Indicators, 1989.

Detailed brochures are issued by the Foundation which announce and describe new programs and critical dates and application procedures for competitions and may be obtained from the Forms and Publications Unit, National Science Foundation, Room 232, Washington, DC 20550. Phone 202-357-7861. Then pamphlet, publications of the National Science Foundation, is also available from the Forms and Publications Unit.

Other publication include: NSF Annual Report; Grant Policy Manual (NSF 88-47) which contains comprehensive statements of Foundation grant administration policy, procedures, and guidance; NSF Guide to

Programs which summarizes information about support programs; Mosaic, the Foundation magazine; and the Antarctic Journal of the United States which is published quarterly, plus an annual review issue. These publications are available from the Superintendent of Documents, Government Printing Office, Washington, DC 20402.

14. Small Business Activities

The Office of Small Business Research and Development provides information on opportunities for Foundation support to small business with strong research capabilities in science and technology. Phone, 202-357-7464. The Office of Small and Disadvantaged Business Utilization oversees agency compliance with the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 631, 661, 683). Phone, 202-357-7464.

Dated: May 23, 1990.

Jeff Fenstermacher,
Assistant Director for Administration.
[FR Doc. 12342 Filed 5-25-90; 8:45 am]
BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Mechanical Components; Rescheduling of Meeting

The ACRS Subcommittee meeting on Mechanical Components scheduled for Wednesday, June 6, 1990, 8:30 a.m. has been changed to 1 p.m. until 5 p.m. All other items pertaining to this meeting will remain the same as previously published in the *Federal Register*.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Elpidio Igne (Telephone 301/492-8192) between 7:30 a.m. and 4:15 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: May 21, 1990.

Gary R. Quittschreiber,
Chief, Nuclear Reactors Branch.
[FR Doc. 90-12308 Filed 5-25-90; 8:45 am]
BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Improved Light Water Reactors; Postponement

The Subcommittee on Improved Light Water Reactors scheduled for June 5, 1990, Room P-110, 7920 Norfolk Avenue, Bethesda, MD has been postponed until July 11, 1990.

Dated: May 22, 1990.

Gary R. Quittschreiber,
Chief, Nuclear Reactors Branch.
[FR Doc. 90-12309 Filed 5-25-90; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-113]

Renewal of Facility License No. R-52, University of Arizona

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Facility License No. R-52 for the University of Arizona (the licensee), which renews the license at an increased power level for operation of the TRIGA Mark I research reactor located on the licensee's site in Tucson, Arizona.

The facility is a non-power reactor that has been operating at a power level not in excess of 100 kilowatts (thermal) [kW(t)]. The renewed Facility License No. R-52 authorizes a power level not in excess of 110 kW(t) and will expire twenty years from its date of issuance.

The amended license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I. Those findings are set forth in the license amendment. Opportunity for hearing was afforded in the notice of the proposed issuance of this renewal in the *Federal Register* on January 18, 1989 at 54 FR 2010. No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The increase in the operating power level from the existing 100 kW(t) to 110 kW(t) was requested by the licensee to permit testing of the reactor or scram settings without exceeding its licensed power level. The licensee intends to normally operate the reactor at or below 100 kW(t). However, continued

operation of the reactor at 110 kW(t) will not require alteration of buildings or structures, will not lead to significant changes in effluents released from the facility to the environment, will not increase the probability or consequences of accidents, and will not involve any unresolved issues concerning alternatives uses of available resources. Based on the foregoing and on the Environmental Assessment, the Commission concludes that renewal of the license will not result in any significant environmental impacts.

The Commission has prepared a Safety Evaluation Report (NUREG-1390) for the renewal of Facility License No. R-52 and has, based on that report, concluded that the facility can continue to be operated by the licensee without endangering the health and safety of the public.

The Commission also prepared an Environmental Assessment which was published in the *Federal Register* on May 3, 1990 (55 FR 18689) for the renewal of Facility License No. R-52 and has concluded that this action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see: (1) The application for amendment dated October 17, 1988, as supplemented on July 17, 1989, September 15, 1989 and January 30, 1990; (2) Amendment No. 15 to Facility License No. R-52; (3) the related Safety Evaluation Report (NUREG-1390) and (4) the Environmental Assessment dated April 26, 1990. These items are available for public inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC 20555.

Copies of NUREG-1390 may be purchased by calling (202) 275-2060 or (202) 275-2171 or write the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013-7982.

Dated at Rockville, Maryland, this 22nd day of May 1990.

For the Nuclear Regulatory Commission,
Seymour H. Weiss,

Director, Non-Power Reactor,
Decommissioning and Environmental Project
Directorate, Division of Reactor Projects—III,
IV, V and Special Projects, Office of Nuclear
Reactor Regulation.

[FR Doc. 90-12307 Filed 5-25-90; 8:45 am]
BILLING CODE 7590-01-M

**OFFICE OF PERSONNEL
MANAGEMENT****Agency Information, Collection
Activities; Request for Extension of RI
25-15 Submitted to OMB for Clearance**

AGENCY: Office of Personnel
Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S. Code, chapter 35), this notice announces the reclearance of an information collection, RI 25-15, Survey of Students Eligibility to Receive Benefits. This form is used by the Office of Personnel Management, Civil Service Retirement System, to determine continuing eligibility of unmarried dependent children between 18 and 22 years of age to receive survivor annuity benefits provided they are students.

Approximately 11,000 forms are completed annually, each requiring approximately 15 minutes to complete, for a total public burden of 2,750 hours. For copies of this proposal, call C. Ronald Trueworthy on (202) 606-2261.

DATES: Comments on this proposal should be received by June 28, 1990.

ADDRESSES: Send or deliver comments to: Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building NW., Room 3235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mary Beth Smith-Toomey, (202) 606-0623.

U.S. Office of Personnel Management.
Constance Berry Newman,

Director.

[FR Doc. 90-12303 Filed 5-25-90; 8:45 am]

BILLING CODE 6325-01-M

**Agency Information Collection
Activities; Request for Extension of RI
25-41; Submitted to OMB for
Clearance**

AGENCY: Office of Personnel
Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S. Code, chapter 35), this notice announces the reclearance of an information collection, RI 25-41, Initial Certification of Full-Time School Attendance. This form is used within the Civil Service Retirement System to determine if a student is eligible to receive survivor benefits. By law, OPM is required to pay survivor benefits to children of deceased Federal employees

if the children are (1) Between the ages of 18 and 22, (2) unmarried, and (3) full-time students in a recognized school.

Approximately 1,200 forms are completed annually, each requiring approximately 90 minutes to complete, for a total public burden of 1800 hours. For copies of this proposal, call C. Ronald Trueworthy on (202) 606-2261.

DATES: Comments on this proposal should be received by June 28, 1990.

ADDRESSES: Send or deliver comments to: Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., Room 3235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mary Beth Smith-Toomey, (202) 606-0623.

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

[FR Doc. 90-12304 Filed 5-25-90; 8:45 am]

BILLING CODE 6325-01-M

**Agency Information Collection
Activities; Request for Extension of SF
2823 Submitted to OMB for Clearance**

AGENCY: Office of Personnel
Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S. Code, chapter 35), this notice announces the reclearance of an information collection, SF 2823, Designation of Beneficiary Under the Federal Employees' Group Life Insurance Program. This form is completed by Federal employees and annuitants to designate beneficiaries under the Federal Employees' Group Life Insurance Program. This OMB Clearance is only submitted for annuitants required to complete the form.

Approximately 1,000 annuitant forms are completed annually, each requiring approximately 15 minutes to complete, for a total public burden of 250 hours. For copies of this proposal, call C. Ronald Trueworthy on (202) 606-2261.

DATES: Comments on this proposal should be received by June 28, 1990.

ADDRESSES: Send or deliver comments to: Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., Room 3235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mary Beth Smith-Toomey, (202) 606-0623.

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

[FR Doc. 90-12305 Filed 5-25-90; 8:45 am]

BILLING CODE 6325-01-M

Excepted Service

AGENCY: Office of Personnel
Management.

ACTION: Notice.

SUMMARY: This gives notice of positions placed or revoked under Schedule A, B, and C in the excepted service, as required by civil service rule VI, Exceptions from the Competitive Service.

FOR FURTHER INFORMATION CONTACT: John Daley, (202) 606-0950.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published its last monthly notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR part 213 on May 8, 1990 (55 FR 12973). Individual authorities established or revoked under Schedule A, B, or C between April 1, 1990, and April 30, 1990, appear in listing below. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities will be published as of June 30, 1990.

Schedule A

No Schedule A authorities were established or revoked during April.

Schedule B

No Schedule B authorities were established or revoked during April.

Schedule C**Department of Agriculture**

One Confidential Assistant to the Chief, Soil Conservation Service. Effective April 5, 1990.

One Confidential Assistant to the Assistant Secretary for Natural Resources and Environment. Effective April 5, 1990.

One Private Secretary to the Deputy Assistant Secretary for Economics. Effective April 5, 1990.

One Confidential Assistant to the Administrator, Farmers Home Administration. Effective April 16, 1990.

One Administrator, Human Nutrition Information Services, to the Assistant Secretary for Food and Consumer Services. Effective April 19, 1990.

One Midwest Area Director to the Deputy Administrator, State and County Operations. Effective April 19, 1990.

One Executive Assistant to the Administrator, Farmers Home Administration. Effective April 19, 1990.

One Staff Assistant to the Administrator, Foreign Agricultural Service. Effective April 24, 1990.

One Confidential Assistant to the Deputy Director, Office of Operations. Effective April 30, 1990.

Administrative Office of the U.S. Courts

Two Attorney-Advisors, (Legislative) to the Legislative and Public Affairs Officer. Effective April 19, 1990.

Department of the Army

One Confidential Assistant to the Under Secretary. Effective April 20, 1990.

United States Commission on Civil Rights

One Special Assistant to the Commissioner. Effective April 20, 1990.

Department of Commerce

One Executive Assistant to the Under Secretary for International Trade. Effective April 5, 1990.

One Director, Office of Intergovernmental Affairs, to the Assistant Secretary for Legislative and Intergovernmental Affairs. Effective April 13, 1990.

One Special Assistant to the Assistant Secretary for Export Administration. Effective April 13, 1990.

One Confidential Assistant to the Director, Office of Business Liaison. Effective April 13, 1990.

One Deputy Director of Congressional Affairs to the Assistant Secretary and Commissioner of Patents and Trademarks. Effective April 19, 1990.

One Confidential Assistant to the Director, Office of External Affairs. Effective April 20, 1990.

Department of Defense

One Secretary (Typing) to the Assistant Secretary (Research, Development and Acquisition). Effective April 20, 1990.

Department of Energy

One Staff Assistant to the Deputy Under Secretary, Office of Policy, Planning and Analysis. Effective April 5, 1990.

One Intergovernmental Affairs Specialist to the Deputy Assistant Secretary for Intergovernmental and Public Liaison. Effective April 9, 1990.

One Staff Assistant to the Deputy Director, Office of Presidential Personnel. Effective April 9, 1990.

One Staff Assistant to the Deputy Under Secretary, Office of Policy,

Planning and Analysis. Effective April 10, 1990.

One Legislative Affairs Specialist to the Deputy Assistant Secretary for Senate Liaison. Effective April 13, 1990.

One Private Secretary to the Associate Director, Presidential Personnel. Effective April 13, 1990.

One Legislative Affairs Specialist to the Deputy Assistant Secretary for Senate Liaison. Effective April 13, 1990.

One Staff Assistant to the Assistant Secretary for Conservation and Renewable Energy. Effective April 18, 1990.

One Staff Assistant to the General Counsel. Effective April 18, 1990.

One Confidential Assistant (Secretary) to the Principal Deputy Assistant Secretary for Congressional and Intergovernmental Affairs. Effective April 23, 1990.

One Public Affairs Specialist to the Press Secretary. Effective April 24, 1990.

One Staff Assistant to the Assistant Secretary for Fossil Energy. Effective April 30, 1990.

One Staff Assistant to the Deputy Assistant Secretary for Intergovernmental Affairs. Effective April 30, 1990.

One Principal Deputy to the Press Secretary. Effective April 30, 1990.

One Staff Assistant to the Press Secretary. Effective April 30, 1990.

One Deputy Press Secretary for Issues Management to the Press Secretary. Effective April 30, 1990.

Department of Transportation

One Director, Office of Public and Consumer Affairs to the Administrator, National Highway Traffic Safety Administration. Effective April 11, 1990.

One Special Assistant to the Director, Office of Small and Disadvantaged Business Utilization. Effective April 11, 1990.

Department of Education

One Special Assistant to the Director, Public Affairs Service. Effective April 4, 1990.

One Deputy Secretary's Regional Representative to the Secretary's Regional Representative, Region IX. Effective April 9, 1990.

One Special Assistant to the Deputy Under Secretary for Planning, Budget and Evaluation. Effective April 9, 1990.

One Confidential Assistant to the Assistant Secretary for Educational Research and Improvement. Effective April 17, 1990.

One Confidential Assistant to the Assistant Secretary for Elementary and Secondary Education. Effective April 23, 1990.

One Confidential Assistant to the Director, Private Sector Initiative Staff. Effective April 23, 1990.

One Director, Regional Liaison Staff to the Deputy Under Secretary for Intergovernmental and Interagency Affairs. Effective April 23, 1990.

One Confidential Assistant to the Assistant Secretary for Postsecondary Education. Effective April 23, 1990.

One Confidential Assistant to the Director, Scheduling and Briefing Staff. Effective April 30, 1990.

One Confidential Assistant to the Assistant Secretary for Vocational and Adult Education. Effective April 30, 1990.

One Special Assistant to the Assistant Secretary for Postsecondary Education. Effective April 30, 1990.

One Confidential Assistant to the Assistant Secretary for Legislation. Effective April 30, 1990.

One Director, Recognition Division, to the Assistant Secretary for Educational Research and Improvement. Effective April 30, 1990.

Environmental Protection Agency

One Special Assistant to the Assistant Administrator for Policy, Planning and Evaluation. Effective April 23, 1990.

Export-Import Bank of the U.S.

One Administrative Assistant to the Director. Effective April 13, 1990.

One Secretary (Typing) to the Vice President, Congressional and External Affairs. Effective April 24, 1990.

Farm Credit Administration

One Secretary to the Board to the Chairman. Effective April 2, 1990.

Federal Emergency Management Agency

One Confidential Assistant to the Associate Director, National Preparedness Directorate. Effective April 13, 1990.

Federal Labor Relations Authority

One Executive Assistant to a Member. Effective April 18, 1990.

General Services Administration

One Confidential Assistant to the Regional Administrator. Effective April 13, 1990.

One Confidential Assistant to the Deputy Administrator. Effective April 20, 1990.

Department of Health and Human Services

One Special Assistant for Legislative Affairs to the Director, Office of Child

Support Enforcement. Effective April 6, 1990.

One Special Assistant to the Executive Secretary. Effective April 12, 1990.

One Special Assistant to the Associate Commissioner for Public Affairs, Food and Drug Administration. Effective April 13, 1990.

One Staff Assistant to the Associate Commissioner, Office of Public Affairs, Social Security Administration. Effective April 19, 1990.

One Speechwriter to the Assistant Secretary, Office of Human Development Services. Effective April 20, 1990.

One Special Assistant to the Deputy Under Secretary for Intergovernmental Affairs, Boards and Commissions. Effective April 20, 1990.

One Legislative Liaison to the Associate Commissioner, Office of Legislation and Congressional Affairs, Social Security Administration. Effective April 20, 1990.

Department of Housing and Urban Development

One Staff Assistant to the Deputy Assistant Secretary for Research. Effective April 6, 1990.

One Legislative Officer to the Deputy Assistant Secretary for Legislation. Effective April 9, 1990.

One Special Assistant to the Regional Administrator-Regional Housing Commissioner, Fort Worth, TX. Effective April 9, 1990.

One Special Assistant to the Deputy Assistant Secretary for Public and Indian Housing. Effective April 9, 1990.

One Assistant to the Deputy Assistant Secretary for Congressional Relations. Effective April 9, 1990.

One Special Assistant to the Regional Administration-Regional Commissioner, Los Angeles, CA. Effective April 9, 1990.

One Executive Assistant to the Regional Administrator-Regional Housing Commissioner, Seattle, WA. Effective April 9, 1990.

One Special Assistant to the Assistant Secretary for Housing-Federal Housing Commissioner. Effective April 9, 1990.

One Special Assistant to the Deputy Assistant Secretary for Single-Family Housing. Effective April 9, 1990.

One Special Assistant to the Deputy Assistant Secretary for Multifamily Housing Programs. Effective April 9, 1990.

One Special Assistant to the Regional Administrator-Regional Housing Commissioner, New York. Effective April 9, 1990.

One Staff Assistant to the Assistant Secretary for Community Planning and Development. Effective April 13, 1990.

One Special Assistant to the Assistant Secretary for Public Affairs. Effective April 17, 1990.

Effective April 17, 1990.

One Regional Administrator-Regional Housing Commissioner, Region VIII, Denver, to the Deputy Under Secretary for Field Coordination. Effective April 20, 1990.

One Intergovernmental Relations Specialist to the Deputy Under Secretary for Intergovernmental Relations. Effective April 30, 1990.

One Executive Secretary to the Assistant Secretary for Housing-Federal Housing Commissioner. Effective April 30, 1990.

Interstate Commerce Commission

One Attorney Advisor (Transportation) to a Commissioner. Effective April 30, 1990.

Department of the Interior

One Special Assistant to the Assistant Director, Fish and Wildlife Enhancement, U.S. Fish and Wildlife Service. Effective April 11, 1990.

One Special Assistant to the Assistant Director, External Affairs, U.S. Fish and Wildlife Service. Effective April 11, 1990.

U.S. International Trade Commission

One Confidential Assistant to a Commissioner. Effective April 5, 1990.

Department of Justice

One Special Assistant to the Director of Congressional and Public Affairs, Immigration and Naturalization Service. Effective April 12, 1990.

One Deputy Director to the Director, Office of Policy Development. Effective April 24, 1990.

One Staff Assistant to the Director, Office of Liaison Services. Effective April 30, 1990.

One Staff Assistant to the Attorney General. Effective April 30, 1990.

One Deputy to the Director, Office of Liaison Services. Effective April 30, 1990.

One Public Affairs Specialist to the Director, Office of Liaison Services. Effective April 30, 1990.

One Senior Liaison Officer to the Director, Office of Liaison Services. Effective April 30, 1990.

One Special Counsel to the Director, Office of Liaison Services. Effective April 30, 1990.

Department of Labor

One Staff Assistant to the Assistant Secretary for Employment Standards. Effective April 5, 1990.

One Staff Assistant for Public Affairs to the Administrator, Wage and Hour

Division, Employment Standards Division. Effective April 9, 1990.

One Staff Assistant to the Administrator, Wage and Hour Division, Employment Standards Division. Effective April 11, 1990.

One Special Assistant to the Assistant Secretary for Employment and Training. Effective April 13, 1990.

One Special Assistant for Public Affairs to the Director, Office of Federal Contract Compliance Programs. Effective April 18, 1990.

One Special Assistant to the Associate Assistant Secretary for Intergovernmental Affairs. Effective April 19, 1990.

One Deputy Legislative Officer to the Associate Assistant Secretary for Congressional Affairs. Effective April 30, 1990.

One Staff Assistant to the Associate Assistant Secretary for Congressional Affairs. Effective April 30, 1990.

National Credit Union Administration

One Executive Assistant to a Board Member. Effective April 24, 1990.

National Transportation Safety Board

One Confidential Assistant to the Chairman. Effective April 9, 1990.

Office of National Drug Control Policy

One Staff Assistant for Scheduling to the Executive Assistant to the Director. Effective April 19, 1990.

One Staff Assistant to the Chairman, President's Drug Advisory Counsel. Effective April 19, 1990.

One Staff Assistant to the Associate Director, Bureau of State and Local Affairs. Effective April 19, 1990.

Office of Personnel Management

One Confidential Assistant to the General Counsel. Effective April 30, 1990.

Small Business Administration

One Deputy to the Assistant Administrator for Public Communications. Effective April 2, 1990.

One Special Assistant to the Regional Administrator, Kansas City, MO. Effective April 9, 1990.

Department of State

One Staff Assistant to the Deputy Assistant Secretary for Policy, Plans and Program Evaluation, Bureau of International Narcotics Matters. Effective April 16, 1990.

One Foreign Affairs Officer to the Director, Office of Foreign Missions. Effective April 16, 1990.

One Special Assistant to the Chairman, United States Section,

International Joint Commission.
Effective April 16, 1990.

One Staff Assistant to the U.S. Negotiator for Defense and Space, Office of the U.S. Delegation to Geneva for Arms Reduction Negotiation. Effective April 17, 1990.

Department of the Treasury

One Public Affairs Specialist to the Assistant Secretary (Public Affairs and Public Liaison). Effective April 2, 1990.

One Deputy to the Executive Secretary. Effective April 9, 1990.

One Special Assistant to the Director of the Mint. Effective April 16, 1990.

United States Information Agency

One Special Assistant to the Director of Congressional Liaison. Effective April 12, 1990.

United States Tax Court

One Secretary to a Judge. Effective April 5, 1990.

Department of Veterans Affairs

One Special Assistant to the Director, National Cemetery System. Effective April 9, 1990.

Authority: 5 U.S.C. 3301; E.O. 10555, 3 CFR 1954-1958 Comp., p. 218.

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

[FR Doc. 90-12306 Filed 5-25-90; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF STATE

Advisory Committee on International Communications and Information Policy; Meeting

The Department of State announces that the Subcommittee on Industrialized Country Policy Issues of the Advisory Committee on International Communications and Information Policy will meet on Friday, June 8, 1990 in Room 1205 of the Department of State from 10 a.m. until 12 p.m.

The Subcommittee provides advice to the Department on communications and information policy issues of concern to industrialized countries, and includes advice on communications and information policy issues being addressed in the Organization for Economic Cooperation and Development (OECD) and, more particularly, the OECD's Committee for Information, Computers and Communications Policy (ICCP).

The June 8 meeting will first hear reports on the March 5-6, 1990 ICCP experts group meeting on network

security, and the March 14-16, 1990 meeting of the ICCP Committee.

The June 8 meeting will also consider issues to be discussed at two upcoming OECD meetings, the June 11-12, 1990 meeting between the ICCP Committee and the Committee on Capital Movements and Invisible Transactions, and the June 13-14, 1990 meeting of the ICCP's Working Party on Telecommunications and Information Services Policies (TISP).

The TISP will discuss the following issues, and the Department is seeking public comment on the issues in general and, to the extent they are available, OECD documents on the issues: (1) Policy implications of the convergence of telecommunications and broadcasting technologies; (2) access to and use of public telecommunications networks: issues for trade in services; (3) international tariffication and accounting procedures; (4) trade in software, computer services, and computerized information services; (5) trade in telecommunications equipment; and (6) type approval procedures for telecommunications terminal equipment.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. Prior to the meeting, persons who plan to attend should so advise the office of Mrs. Lucy H. Richards, Department of State, Washington, DC, telephone (202) 647-5230. Attendees should use the C Street diplomatic entrance to the Department of State, and plan to reach the C Street entrance with sufficient time to be processed into the building, as access to the State Department building is controlled.

Dated: May 21, 1990.

Bohdan Bulawka,

Executive Secretary, Advisory Committee on International Communications and Information Policy.

[FR Doc. 90-12302 Filed 5-25-90; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended May 18, 1990

The following applications for certificates of public convenience and necessity and foreign air carrier permits were filed under subpart Q of the Department of Transportation's Procedural Regulations (see 14 CFR 302.1701 *et seq.*). The due date for

answers, conforming application, or motion to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 46931.

Date filed: May 14, 1990.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: June 11, 1990.

Description: Application of Canair Cargo Ltd., pursuant to section 402 of the Act and subpart Q of the Regulations, applies for a foreign air carrier permit to engage in charter air transportation of property and mail between any point or points in Canada and any point or points in the United States.

Docket Number: 46934

Date filed: May 14, 1990.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: June 11, 1990.

Description: Application of Continental Airlines, Inc., pursuant to section 401 of the Act and subpart Q of the Regulations for amendment of its certificate of public convenience and necessity for route 561, to provide scheduled foreign air transportation of persons, property and mail between El Paso, Texas, on the one hand, and Mexico City/Puerto Vallarta, on the other.

Docket Number: 46940.

Date filed: May 18, 1990.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: May 19, 1990.

Description: Application of Delta Air Lines, Inc. pursuant to section 401 of the Act and subpart Q of the Regulations applies for a new or amended certificate of public convenience and necessity to permit Delta to provide air transportation between Atlanta, Georgia and West Berlin, Germany.

Docket Number: 43377.

Date filed: May 18, 1990.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: June 15, 1990.

Description: Amendment No. 1 to the Application of American Airlines, Inc. requesting certificate authority between Miami and points in Spain, in addition to the Dallas/Ft. Worth-Spain authority sought in American's initial application.

Docket Number: 46560.

Date filed: May 18, 1990.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: June 15, 1990.

Description: Amendment No. 1 to the Application of American Airlines, Inc. requesting certificate authority between New York/Newark, on the one hand, and Rio de Janeiro and Sao Paulo, on the other, in addition to the Miami-Brazil authority sought in American's initial application.

Docket Number: 46896.

Date filed: May 18, 1990.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: June 15, 1990.

Description: Amendment No. 1 to the Application of American Airlines, Inc. requesting certificate authority between points in the United States, on the one hand, and West Berlin, on the other. American's initial application sought authority between Chicago and West Berlin. The purpose of this amendment is to conform the scope of American's application to the authority that is available.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 90-12280 Filed 5-25-90; 8:45 am]

BILLING CODE 4910-62-M

Coast Guard

Commercial Fishing Industry Vessel Advisory Committee

AGENCY: Coast Guard, DOT.

ACTION: Request for applications.

SUMMARY: The U.S. Coast Guard is seeking applications for appointment to membership on the Commercial Fishing Industry Vessel Advisory Committee established by the Coast Guard as required by the Commercial Fishing Industry Vessel Safety Act of 1988.

The committee acts in an advisory capacity to the Secretary of Transportation and the Commandant of the Coast Guard on matters relating to the safety of commercial fishing vessels.

The applications will be considered for six expiring terms. The Committee consists of 17 members as follows: Ten (10) members from the commercial fishing industry who reflect a regional and representational balance and have experience in the operation of vessels to which chapter 45 of title 46, United States Code, applies or as crew member or processing line worker on an uninspected fish processing vessel; one (1) member representing naval architects or marine surveyors; one (1) member representing manufacturers of equipment for vessels to which chapter 45 applies; one (1) member representing education or training professionals related to fishing vessel, fish processing vessel, fish tender vessel safety, or

personnel qualifications; one (1) member representing underwriters that insure vessels to which chapter 45 applies; and three (3) members representing the general public, including whenever possible an independent expert or consultant in maritime safety and a member of a national organization composed of persons representing owners of vessels to which chapter 45 applies and persons representing the marine insurance industry. The six vacancies exist in the following categories: (a) Fishing industry (four positions); (b) marine surveyor (one position); and (c) general public (one position). The membership term is for three years. A limited portion of the membership may serve consecutive terms.

To achieve the balance of membership required by the Federal Advisory Committee Act, the Coast Guard is especially interested in receiving applications from minorities and women. The members of the Committee serve without compensation from the Federal Government, although travel reimbursement and per diem is provided. The Committee normally meets in Washington, DC with subcommittee meetings for specific problems on an as-required basis.

DATES: Request for applications should be received not later than September 1, 1990.

ADDRESSES: Persons interested in applying should write to Commandant (G-MTH), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001.

FOR FURTHER INFORMATION CONTACT: Ms. Arlene Whittington, Marine Technical and Hazardous Materials Division (G-MTH), room 1218, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001; (202) 287-0004.

Dated: May 21, 1990.

D.H. Whitten,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 90-12301 Filed 5-25-90; 8:45 am]

BILLING CODE 4910-14-M

Federal Highway Administration

Parts and Accessories Necessary for Safe Operation; Lighting Devices, Reflectors and Electrical Equipment

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: The FHWA is issuing this notice to inform those members of the motor carrier industry who may not regularly follow the rulemaking actions of the National Highway Traffic Safety Administration (NHTSA), of changes to the NHTSA's Federal Motor Vehicle Safety Standard (FMVSS) No. 108 (49 CFR 571.108). These changes are a result of the NHTSA final rule published on May 15, 1990, at 55 FR 20158. The NHTSA amendments change the Federal Motor Carrier Safety Regulations (FMCSRs). The FMCSRs incorporate the new standard through its requirement under Section 393.11 that all lighting devices on motor vehicles placed in operation after March 7, 1989 meet the requirements of 49 CFR 571.108 in effect at the time of manufacture of the vehicle.

The effective date for most of the provisions of the NHTSA final rule is December 1, 1990. However, that portion of the NHTSA final rule which covers stop lamps and turn signal lamps will be effective December 1, 1991.

The FHWA intends its standards to be identical with the FMVSSs wherever possible. In order to achieve this, the FHWA has and will continue to adopt the appropriate sections of the FMVSSs into the FMCSRs.

FOR FURTHER INFORMATION CONTACT: Mr. Robert M. Hagan, Office of Motor Carrier Standards, (202) 366-2981; or Mr. Thomas P. Holian, Office of the Chief Counsel (202) 366-1350, Federal Highway Administration, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday.

SUPPLEMENTARY INFORMATION: On December 7, 1988, the FHWA published a final rule in the *Federal Register* (53 FR 49380) which consolidated previous lighting requirements in § 393.11 in a tabular format. In this same publication, the FHWA provided that, "All lighting devices on motor vehicles placed in operation after March 7, 1989 (the effective date of this regulation) must meet the requirements of 49 CFR 571.108 in effect at the time of manufacture of the vehicle. Motor vehicles placed in operation on or before the effective date of this regulation must meet either the requirements of this subchapter or part 571 of this title in effect at the time of manufacture," (53 FR 49385). The NHTSA in issuing its final rule is amending FMVSS No. 108. The FHWA's previous amendment to § 393.11 means that motor carriers subject to the FMCSRs will be required to maintain commercial motor vehicles

manufactured after the effective date of the amended FMVSS No. 108 to that new standard. The FHWA is publishing this notice to help ensure that those members of the motor carrier industry that were not aware of this NHTSA final rule will be so advised.

NHTSA's Standard No. 108 incorporates by reference many equipment standards of the Society of Automotive Engineers (SAE). The NHTSA final rule amends Standard No.

108 by adopting most of the approved and newly issued SAE Technical Reports concerning stop lamps and turn signal lamps. For a complete discussion of the changes see the NHTSA final rule, Lamps, Reflective Devices, and Associated Equipment, issued on April 10, 1990, and published in the *Federal Register* on May 15, 1990, at 55 FR 20158.

The effective date of the NHTSA's final rule is December 1, 1990, except that the requirement that vehicles whose

overall width is 80 inches or more be equipped with stop lamps and rear turn signal lamps with a minimum luminous lens area of 12 square inches is effective December 1, 1991.

Authority: C23 USC 315, 49 CFR 1.48).

Issued on: May 9, 1990.

T. D. Larson,

Administrator.

[FR Doc. 90-12293 Filed 5-25-90; 8:45 am]

BILLING CODE 4910-22-M

Sunshine Act Meetings

Federal Register

Vol. 55, No. 103

Tuesday, May 29, 1990

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:30 a.m., Wednesday, May 30, 1990.

PLACE: 2033 K Street, NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Judicial Session.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 90-12525 Filed 5-24-90; 4:01 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, June 1, 1990.

PLACE: 2033 K Street, NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE

INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 90-12526 Filed 5-24-90; 4:01 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 2:00 p.m., Tuesday, June 6, 1990.

PLACE: 2033 K Street NW., Washington, D.C., 5th Floor Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Program Objectives, 4th Quarter, FY 1990
Proposed rules relating to review of decisions
by the National Futures Association

CONTACT PERSON FOR MORE

INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 90-12527 Filed 5-24-90; 4:01 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 3:00 p.m., Tuesday, June 6, 1990.

PLACE: 2033 K St., N.W., Washington, D.C., 5th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Objectives.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 90-12528 Filed 5-24-90; 4:02 pm]

BILLING CODE 6315-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 3:30 p.m., Tuesday, June 6, 1990.

PLACE: 2033 K Street NW., Washington, D.C., 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 90-12529 Filed 5-24-90; 4:02 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, June 8, 1990.

PLACE: 2033 K Street NW., Washington, D.C., 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 90-12530 Filed 5-24-90; 4:02 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, June 15, 1990.

PLACE: 2033 K Street NW., Washington, D.C., 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE

INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 90-12531 Filed 5-24-90; 4:02 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, June 22, 1990.

PLACE: 2033 K Street NW., Washington, D.C., 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 90-12532 Filed 5-24-90; 4:02 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, June 29, 1990.

PLACE: 2033 K Street NW., Washington, D.C., 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 90-12533 Filed 5-24-90; 4:02 pm]

BILLING CODE 6351-01-M

CONSUMER PRODUCT SAFETY COMMISSION:

TIME AND DATE: Wednesday, May 30, 1990.

LOCATION: Room 556, Westwood Towers, 5401 Wesbard Avenue, Bethesda, Maryland.

STATUS: _____

MATTERS TO BE CONSIDERED:

10:00 a.m., Open to the Public

1. *Priorities for FY 92*

The Commission will consider priority projects for fiscal year 1992.

2. *Operating Plan for FY 90*

The staff will brief the Commission on issues related to the Operating Plan for fiscal year 1990.

2:00 p.m., Closed to the Public

3. OS# 5746

The staff will brief the Commission on issues concerning enforcement matter OS# 5746.

For a Recorded Message Containing the Latest Agenda Information, Call: 301-492-5709

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301-492-6800.

Dated: May 24, 1990.

Sheldon D. Butts,
Deputy Secretary.

[FR Doc. 90-12507 Filed 5-24-90; 8:45 am]

BILLING CODE 6355-01-M

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Thursday, May 31, 1990, 2:00 p.m.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: PPPA Protocol Revisions.

The Commission will consider a draft proposal to amend the current Poison Prevention Packaging Act protocol for testing child-resistant packaging with children and adults.

For a recorded message containing the latest agenda information, call: 301-492-5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301-492-6800.

Dated: May 24, 1990.

Sheldon D. Butts,
Deputy Secretary.

[FR Doc. 90-12508 Filed 5-24-90; 2:53 pm]

BILLING CODE 6355-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Tuesday, May 22, 1990, the Corporation's Board of Directors determined, on motion of Director C. C. Hope, (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in by Chairman L. William Seidman and Director T. Timothy Ryan, Jr. (Director of the Office of Thrift Supervision), that Corporation business required the addition to the agenda for consideration

at the meeting, on less than seven days's notice to the public, of the following matter:

Memorandum and resolution re: Final amendments to Part 337 of the Corporation's rules and regulations, entitled "Unsafe and Unsound Banking Practices," which prohibit the acceptance or renewal of brokered deposits by any undercapitalized insured depository institution after December 7, 1989, except on specific application to and waiver of the prohibition by the Corporation.

The Board further determined, by the same majority vote, that no notice of the change in the subject matter of the meeting earlier than May 18, 1990 was practicable.

Dated: May 23, 1990.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 90-12406 Filed 5-23-90; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL ENERGY REGULATORY COMMISSION

Notice

May 23, 1990.

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-49), 5 U.S.C. 552B:

DATE AND TIME: May 30, 1990, 10:00 a.m.

PLACE: 825 North Capitol Street NE., Room 9306, Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE

INFORMATION: Lois D. Cashell, Secretary, Telephone (202) 208-0400.

This a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Reference and Information Center.

Consent Agenda—Hydro, 917th Meeting—May 30, 1990, Regular Meeting (10:00 a.m.)

CAH-1.

Project No. 5763-002, Long Lake Energy Corporation

CAH-2.

Project Nos. 1962-010 and 1988-013, Pacific Gas & Electric Company
Project Nos. 3223-005 and 6729-002, Sacramento Municipal Utility District, the Northern California Power Agency, and the Cities of Anaheim, Azusa, Banning, Colton and Riverside, California

CAH-3.

Project Nos. 2742-011, 2743-011, 2911-012 and 3015-006, Alaska Energy Authority

Consent Agenda—Electric

CAE-1.

Docket No. ER90-315-000, Duke Power Company

CAE-2.

Docket No. ER90-297-000, Michigan Power Company

CAE-3.

Docket No. ER89-652-000, Wisconsin Power & Light Company

CAE-4.

Docket No. ER90-289-000, Central Power & Light Company

CAE-5.

Docket No. ER90-493-000, Pacific Power & Light Company

Docket No. ER89-494-000, Utah Power & Light Company

Docket No. EC88-2-004, Pacific Power & Light Company, Utah Power & Light Company and PC/UP&L Merging Corporation

CAE-6.

Docket No. RM90-5-001, Update of Filing Fees Under the Independent Offices Appropriations Act of 1952

CAE-7.

Docket No. EL89-30-001, Soyland Power Cooperative, Inc. v. Central Illinois Public Service Company

CAE-8.

Docket No. FA87-62-001, Boston Edison Company

CAE-9.

Docket No. ER90-56-001, Minnesota Power & Light Company

CAE-10.

Docket No. EL89-22-001, Wisconsin Public Service Corporation

CAE-11.

Docket ER-84-560-027, Union Electric Company

CAE-12.

Docket No. ER79-150-000 (Phase II, Price Squeeze), Southern California Edison Company

CAE-13.

Docket No. FA87-37-000, Kansas City Power and Light Company

CAE-14.

Docket No. ER90-116-000, Puget Sound Power & Light Company

CAE-15.

Docket No. QF89-274-001, Selkirk Cogen Partners, L.P.

Consent Miscellaneous

CAM-1.

Docket No. RM90-2-000, Revision of Formula for Determining Filing Fees

Consent Agenda—Gas and Oil

CAG-1.

Docket No. RP90-104-000, Texas Gas Transmission Corporation

CAG-2.

Docket No. RP90-105-000, Transwestern Pipeline Company

CAG-3.

Docket No. RP90-108-000, Columbia Gas Transmission Corporation

Docket Nos. RP90-107-000 and 001, Columbia Gulf Transmission Company

- CAG-4.
Docket Nos. RP90-109-000, RP87-82-000 and RP86-148-000, Pacific Gas Transmission Company
- CAG-5.
Docket No. RP90-111-000, East Tennessee Natural Gas Company
- CAG-6.
Docket No. RP90-112-000, Texas Gas Pipe Line Corporation
- CAG-7.
Docket Nos. RP89-135-000, 002, 003 and 005, Arkla Energy Resources, a Division of Arkla Inc.
- CAG-8.
Docket No. RP90-102-001, Tarpon Transmission Company
- CAG-9.
Docket No. CP88-651-002, Northwest Pipeline Corporation
- CAG-10.
Docket No. RP85-58-030, El Paso Natural Gas Company
- CAG-11.
Docket No. TQ90-3-43-000, Williams Natural Gas Company
- CAG-12.
Docket No. TA90-1-56-000, Valero Interstate Transmission Company
- CAG-13.
Docket Nos. TQ90-4-49-000 and RP90-113-000, Williston Basin Interstate Pipeline Company
- CAG-14.
Docket Nos. TA90-1-25-000 and 001, Mississippi River Transmission Corporation
- CAG-15.
Docket No. TA90-1-55-000, Questar Pipeline Company
- CAG-16.
Docket TM90-3-8-000, South Georgia Natural Gas Company
- CAG-17.
Docket No. RP87-15-025, Trunkline Gas Company
- CAG-18.
Docket Nos. TA90-1-28-000 and 001, Panhandle Eastern Pipe Line Company
- CAG-19.
Docket No. RP89-161-014, ANR Pipeline Company
- CAG-20.
Docket No. RP90-56-003, CNC Transmission Corporation
- CAG-21.
Docket No. RP90-83-002, CNC Transmission Corporation
- CAG-22.
Docket Nos. RP90-75-001 and RP89-248-004, Mississippi River Transmission Corporation
- CAG-23.
Docket No. TQ90-2-40-001, Raton Gas Transmission Company
- CAG-24.
Docket Nos. RP89-122-002, RP89-123-001, RP88-68-014 and RP87-7-053, Transcontinental Gas Pipe Line Corporation
- CAG-25.
Omitted
- CAG-26.
Docket No. RP88-256-005, West Texas Gas, Inc.
- CAG-27.
Docket No. RP88-127-008, Carnegie Natural Gas Company

- CAG-28.
Docket Nos. RP86-63-000 and RP86-114-000, Southern Natural Gas Company
- CAG-29.
Docket Nos. RP89-75-000, RP89-213-000, 001 and RP89-223-000, Black Marlin Pipeline Company
- CAG-30.
Docket Nos. TA89-1-17-000 and 001, Texas Eastern Transmission Corporation
- CAG-31.
Docket No. CP90-1255-000, Northwest Pipeline Corporation
- CAG-32.
Docket No. CP90-1145-001, Cornerstone Pipeline Company
- CAG-33.
Docket Nos. CP89-460-000 and 001, Pacific Gas Transmission Company
- Docket No. CP89-1851-000, Altamont Gas Transportation Project
- CAG-34.
Omitted
- CAG-35.
Docket No. CP89-1741-000, Tennessee Gas Pipeline Company
- CAG-36.
Docket Nos. CP86-17-012, CP86-602-000 and CP86-548-000, Colorado Interstate Gas Company
- CAG-37.
Docket No. CP89-1343-000, Northwest Pipeline Corporation
- CAG-38.
Docket No. CP88-683-000, East Tennessee Natural Gas Company
- Docket No. CP88-821-000, Tennessee Gas Pipeline Company
- Docket Nos. CP89-197-000 and 001, Southern Natural Gas Company
- CAG-39.
Docket No. CP66-111-002, Great Lakes Gas Transmission Limited Partnership and Great Lakes Gas Transmission Company

Hydro Agenda

- H-1.
(A)
Project No. 1417-013, Central Nebraska Public Service Power and Irrigation District
- Project No. 1835-027, Nebraska Public Power District. Order on rehearing of order prescribing interim minimum flows pending relicensing.
- (B)
Project No. 1417-016, Central Nebraska Public Service Power and Irrigation District
- Project No. 1835-034, Nebraska Public Power District. Order on request for stay of order prescribing interim minimum flows pending relicensing.
- H-2.
Project No. 2971-004, Allegheny Electric Cooperative
- Project No. 7914-005, Allegheny Hydropower, Inc.
- Project No. 8908-002, Borough of Brownsville, Pennsylvania, Washington County Board of Commissioners and Pennsylvania Renewable Resources, Inc.
- Project No. 4675-004, Borough of Charleroi, Pennsylvania, Washington County Board of Commissioners, and Pennsylvania Renewable Resources, Inc.

- Project No. 4474-005, Borough of Cheswick, Pennsylvania, and Allegheny Valley North Council of Governments
- Project No. 7660-002, Borough of Point Marion, Pennsylvania, and Noah Corporation
- Project No. 7307-002, City of Grafton, West Virginia
- Project No. 6939-007, City of Jackson, Ohio
- Project Nos. 6901-003 and 6902-006, City of New Martinsville, West Virginia
- Project No. 3218-002, City of Orrville, Ohio
- Project No. 4017-004, City of Pittsburg, Pennsylvania
- Project No. 10098-001, City of Point Pleasant, West Virginia and WV Hydro, Inc.
- Project No. 9999-002, City of St. Marys, West Virginia, and WV Hydro, Inc.
- Project Nos. 7568-002 and 7909-003, Allegheny County, Pennsylvania
- Project No. 9042-002, Gallia Hydro Partners
- Project Nos. 7399-006, 8990-002 and 8654-004, Noah Corporation
- Project Nos. 3490-005 and 7041-003, Potter Township Pennsylvania
- Project No. 6998-002, Upper Mississippi Water Company, Inc.
- Project No. 10332-001, WV Hydro, Inc. Order on rehearing of orders in licensing proceedings in Ohio River Basin.

Electric Agenda

- E-1.
Docket No. ER89-672-000, Public Service Company of Indiana. Opinion and Order on rate filings.
- E-2.
Docket No. ER90-24-000, Commonwealth Atlantic Limited Partnership. Order on rate filing.
- E-3.
Docket No. EL90-4-000, Long Lake Energy Corporation. Order on petition for declaratory order.

Oil and Gas Agenda

I. Pipeline Rate Matters

- PR-1.
Docket Nos. OR87-1-000, OR87-2-000, OR87-3-000, OR87-4-000, OR87-5-020 and OR87-8-000, Oxy Pipeline, Inc.
- Docket No. OR87-6-000, Cxy Offshore Systems Inc.
- Docket No. OR85-2-000, Samedan Pipe Line Corporation. Order on jurisdiction under Interstate Commerce Act.

II. Producer Matters

- PF-1.
Reserved.

III. Pipeline Certificate Matters

- PC-1.
Docket Nos. RP89-50-002, 005, CP64-249-000, 001, CP65-234-000, 001, CP65-393-006, 007, CP68-179-006, 012, 013, 015, 017, CP74-192-009, 011, 012, 013, CP86-704-000, 001, 002, 003, 004, CP89-555-000, 003, CP89-556-000, 003, C-9262-004, 005, C-18615-000 and 001, Florida Gas Transmission Company. Order on stipulations and agreements.

PC-2.

Docket No. CP89-637-000, ANR Pipeline Company.
Docket Nos. CP89-635-000 and 001, Columbia Gas Transmission Corporation.
Docket Nos. CP89-661-000 and 001, Algonquin Gas Transmission Company.
Order on applications for certificates to serve Northeast.

PC-3.

Docket Nos. CP87-5-002, CP87-313-001, CP87-314-001, CP88-197-002 and CP88-388-002, CNG Transmission Corporation.
Docket Nos. CP87-312-001, 004 and 006, Texas Eastern Transmission Corporation.
Docket Nos. CP87-554-001, Algonquin Gas Transmission Company. Order on applications for certificates to serve Northeast.

Lois D. Cashell,

Secretary.

[FR Doc. 90-12476 Filed 5-24-90; 2:05 pm]

BILLING CODE 6717-01-M

NATIONAL CREDIT UNION ADMINISTRATION

Notice of Meeting

TIME AND DATE: 9:30 a.m., Wednesday, May 30, 1990.

PLACE: Filene Board Room, 7th Floor, 1776 G Street NW., Washington, D.C. 20456.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Administrative Action under Section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii), and (9)(B).

2. Personnel Actions. Closed pursuant to exemptions (2) and (6).

3. Administrative Action under Section 120 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(B).

FOR MORE INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (202) 682-9600.

Becky Baker,

Secretary of the Board.

[FR Doc. 90-12401 Filed 5-24-90; 4:38 pm]

BILLING CODE 7535-01-M

RESOLUTION TRUST CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that on Tuesday, May 22, 1990, at 3:33 p.m., the Board of Directors of the Resolution Trust Corporation met in closed session to consider the following matters:

Matters relating to the resolution of certain failed thrift institutions.

Matters regarding the Corporation's administrative activities.

In calling the meeting, the Board determined, on motion of Director C. C. Hope, Jr. (Appointive), seconded by

Director Robert L. Clarke (Comptroller of the Currency), concurred in by Chairman L. William Seidman and Director T. Timothy Ryan, Jr. (Director of the Office of Thrift Supervision), that Corporation business required its consideration of the matters on less than seven days notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550-17th Street NW., Washington, D.C.

Dated: May 23, 1990.

Resolution Trust Corporation.

William J. Tricarico,

Assistant Executive Secretary.

[FR Doc. 90-12492 Filed 5-24-90; 2:52 pm]

BILLING CODE 6714-01-M

SECURITIES AND EXCHANGE COMMISSION

Agency Meeting

"FEDERAL REGISTER" CITATION OF

PREVIOUS ANNOUNCEMENT: [55 FR 20893 May 21, 1990].

STATUS: Closed meeting.

PLACE: 450 Fifth Street NW., Washington, DC.

DATE PREVIOUSLY ANNOUNCED:

Wednesday, May 16, 1990.

CHANGE IN THE MEETING: Addition.

The following item was considered at a closed meeting on Tuesday, May 22, 1990, at 2:30 p.m.

Formal order of investigation.

Commissioner Fleischman, as duty officer, determined that Commission business required the above change.

At times, changes in Commission priorities require alterations in the schedule of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Dan Gray at (202) 272-2300.

Dated: May 23, 1990.

Jonathan G. Katz,

Secretary.

[FR Doc. 90-12477 Filed 5-24-90; 2:06 pm]

BILLING CODE 8010-01-M

SECURITY AND EXCHANGE COMMISSION

Agency Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the

Securities and Exchange Commission will hold the following meetings during the week of May 28, 1990.

A closed meeting will be held on Tuesday, May 29, 1990, at 2:30 p.m. An open meeting will be held on Thursday, May 31, 1990, at 10:00 a.m., in Room 1C30.

The Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Fleischman, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, May 29, 1990, at 2:30 p.m., will be:

Institution of administrative proceedings of an enforcement nature.

Settlement of administrative proceedings of an enforcement nature.

The subject matter of the open meeting scheduled for Thursday, May 31, 1990, at 10:00 a.m., will be:

1. Consideration of Municipal Securities Rulemaking Board proposed rule G-36. The proposed rule would require underwriters to submit copies of final official statements and other documents to the MSRB for certain new-issue municipal securities, would create a public access facility for copying the documents, and would amend rule G-8 on recordkeeping. For further information, please contact Christine A. Sakach at (202) 272-2857.

2. Consideration of a proposed Joint Industry Reporting Plan that would govern the collection, consolidation and dissemination of quotation and transaction information for NASDAQ/National Market System securities traded on an exchange pursuant to listed or unlisted trading privileges. For further information, please contact Christine A. Sakach at (202) 272-2857.

3. Consideration of whether to issue a concept release soliciting public comment on the appropriateness of permitting certain tender and exchange offers to proceed in the U.S. based on foreign law documentation and procedures where the U.S. holdings are insignificant to the transaction. The conceptual approach proposed to be explored is a response to the exclusion of U.S. holders from tender and exchange offers for the securities of foreign issuers, where the amount of securities held in this country is so slight that the bidder or offeror would exclude U.S. holders rather than incur the costs of complying with an additional regulatory scheme. For further information,

please contact Richard A. Silfen at (202) 272-3097.

4. Consideration of proposed amendments to Form S-8 under the Securities Act of 1933 and Form 11-K under the Securities Exchange Act of 1934 and related rules that revise registration and reporting requirements relating to employee benefit plans. These amendments are intended to reduce costs and expedite the effectiveness and updating

of Form S-8 registration statements for such plans by streamlining Form S-8 registration procedures and by amending Form 11-K to eliminate the requirement for the annual description of the plan. For further information, please contact Barbara C. Smith or James R. Budge at (202) 272-2589.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further

information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Daniel Hirsch at (202) 272-2100.

Dated: May 24, 1990.

Jonathan G. Katz,
Secretary.

[FR Doc. 90-12478 Filed 5-24-90 2:06 pm]

BILLING CODE 8010-01-M

Corrections

Federal Register

Vol. 55, No. 103

Tuesday, May 29, 1990

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 89-AWA-12]
RIN 2120-AD07

Establishment of the Tampa Terminal Control Area and Revocation of the Tampa International Airport Airport Radar Service Area; FL

Correction

In rule document 90-10677 beginning on page 19226 in the issue of Tuesday, May 8, 1990, make the following correction:

§ 71.401(b) [Corrected]

On page 19230, in § 71.401(b) Area D, in the 3rd column, in the 12th line "on" should read "of".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 71 and 75

[Airspace Docket No. 90-AAL-2]

Proposed Establishment of VOR Federal Airways and Jet Routes; Alaska

Correction

In proposed rule document 90-8200 beginning on page 13287 in the issue of Tuesday, April 10, 1990, the subject heading should read as set forth above.

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Maritime Administration

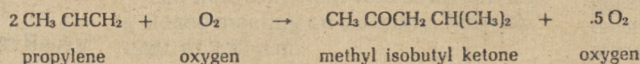
[Docket No. R-111]

Essential Trade Routes

Correction

In notice document 90-11475 beginning on page 20556 in the issue of Thursday, May 17, 1990, make the following corrections:

On page 20557, in the table of Appendix 1, in the second column:



1. In the 1st entry, in the 6th line, "U.S.S.R" should read "U.S.S.R.".

2. Also in the 1st entry, in the 15th line, at the end, remove "region including".

3. In the 5th entry, in the 3rd line, "island" should read "islands".

4. In the 8th entry, in the third line, "burma" should read "Burma".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Tax on Certain Imported Substances; Filing of Petition

Correction

In notice document 90-8138 appearing on page 13352 in the issue of Tuesday, April 10, 1990, make the following correction:

In the second and third columns, in the seventh and eighth lines, the formula should have appeared as follows:

BILLING CODE 1505-01-D

Testis Great Testes

Tuesday
May 29, 1990

Part II

The President

Proclamation 6141—Memorial Day, 1990

Executive Order 12716—Extending the
National Commission on
Superconductivity

Thursday
May 22, 1900

The President

Proclamation 6141—Memorial Day, 1900

Executive Order 12718—Extending the
National Commission on
Superconductivity

Official Register
of the
President
of the
United States

Presidential Documents

Title 3—

The President

Proclamation 6141 of May 24, 1990

Memorial Day, 1990

By the President of the United States of America

A Proclamation

Each year, we pause on Memorial Day to remember those individuals who have given their lives in defense of our Nation and the ideals for which it stands. For many Americans, this day recalls poignant memories of loved ones lost in battle. For others, this day is a time to give thanks for unknown heroes, for brave and selfless strangers who were willing to put themselves in harm's way for our sake and for the sake of freedom-loving peoples around the world. All of us, whether we gather in public ceremony or quietly place flowers on a single grave, are united on this day by our solemn pride and heartfelt gratitude—and by our prayers for real and lasting peace among nations.

On this Memorial Day, we are especially mindful of recent social and political changes in Central and Eastern Europe, in Asia and Africa, and in our own hemisphere. The triumph of democratic ideals in countries that once suffered under the heavy yoke of totalitarianism is a tribute to all those Americans who have died to uphold the light of liberty and self-government.

Nearly half a century ago, President Franklin Roosevelt issued a gentle admonition to the American people when he observed that "Those who have long enjoyed such privileges as we enjoy forget in time that men have died to win them." It is too soon for us to forget those Americans who were killed during Operation Just Cause in Panama and during recent communist attacks in the Philippines; their loss is a fresh and powerful reminder that peace and freedom are precious blessings and that preserving these blessings requires eternal vigilance and unfailing moral resolve.

Yet today we also remember those Americans who made their final stand for freedom in more remote times and places—during the dark days of world war, in the extreme climes of Korea and Vietnam, in Beirut, Grenada, and in the Persian Gulf. Each time we recall the courage and patriotism of these individuals, each time we rededicate ourselves to the ideals they so fervently cherished and defended, we help to ensure that they did not die in vain.

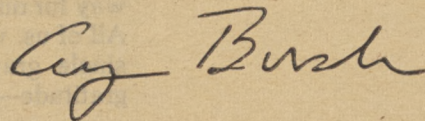
Like the hallowed veterans we honor today, all of us are both heirs to and guardians of the blessings of liberty. Thus, on this Memorial Day, let us pray for God's continued favor on this great Nation. Let us also pray for His strength and guidance in our efforts to advance the ideals of liberty and justice around the world. As this day so forcefully reminds us, respect for individual dignity and human rights provides the only sure foundation for true and lasting peace among nations.

In respect and recognition of those Americans to whom we pay tribute today, the Congress, by a joint resolution approved on May 11, 1950 (64 Stat. 158), has requested the President to issue a proclamation calling upon the people of the United States to observe each Memorial Day as a day of prayer for permanent peace and designating a period on that day when the people of the United States might unite in prayer.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby designate Memorial Day, May 28, 1990, as a day of prayer for permanent peace, and I designate the hour beginning in each locality at 11 o'clock in the morning of that day as a time to unite in prayer. I urge the press, radio, television, and all other information media to cooperate in this observance.

I also request the Governors of the United States and the Commonwealth of Puerto Rico, and the appropriate officials of all units of government, to direct that the flag be flown at half-staff until noon during this Memorial Day on all buildings, grounds, and naval vessels throughout the United States and in all areas under its jurisdiction and control, and I request the people of the United States to display the flag at half-staff from their homes for the customary forenoon period.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of May, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fourteenth.



[FR Doc. 90-12602

Filed 5-25-90; 12:19 pm]

Billing code 3195-01-M

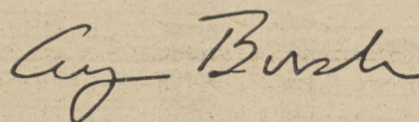
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Executive Order 12716 of May 24, 1990

Extending the National Commission on Superconductivity

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Omnibus Trade and Competitiveness Act of 1988 (P.L. 100-418, 102 Stat. 1107) and section 301 of title 3 of the United States Code, and to give the National Commission on Superconductivity additional time to complete its report, it is hereby ordered that Section 3-401(5) of Executive Order No. 12661, as amended, is further amended by deleting the date "March 31, 1990," and inserting in lieu thereof the date "August 7, 1990," and that the first sentence of Section 3-401(7) of the same Executive order is amended to read "The Commission shall disband no later than August 7, 1990."

THE WHITE HOUSE,
May 24, 1990.



[FR Doc. 90-12612

Filed 5-25-90; 12:23 pm]

Billing code 3195-01-M

Proceedings

Report of the National Commission on Organized Crime

Volume 1, Part 1, Chapter 1

Chapter 1: The National Commission on Organized Crime

The National Commission on Organized Crime was established by the President of the United States in 1970. Its purpose was to study the problem of organized crime and to recommend effective measures for its control. The Commission was composed of members from various government departments and private organizations. Its first report, published in 1971, was a landmark document in the history of organized crime in the United States. It provided a comprehensive overview of the current state of organized crime and identified the major areas of concern. The Commission's findings were based on extensive research and consultation with law enforcement officials, judges, and scholars. The report highlighted the need for a coordinated national effort to combat organized crime and recommended a series of reforms to the criminal justice system. These reforms included strengthening the powers of federal law enforcement agencies, improving the methods of selecting judges, and enhancing the role of the jury. The Commission also recommended the creation of a new federal agency to coordinate the efforts of all law enforcement agencies in the fight against organized crime. The report was widely praised for its thoroughness and its practical recommendations. It provided a clear and concise statement of the problem of organized crime and offered a realistic plan for its solution. The Commission's work was a significant contribution to the understanding of organized crime and the development of effective strategies for its control.

THE NATIONAL COMMISSION ON ORGANIZED CRIME

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Federal Register

Vol. 55, No. 103

Tuesday, May 29, 1990

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 523-6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

S.J. Res. 275/Pub. L. 101-299

Designating May 13, 1990, as the "National Day in Support of Freedom and Human Rights in China and Tibet".

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

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300-799	22.00	Jan. 1, 1990
800-End	15.00	Jan. 1, 1990
16 Parts:		
0-149	6.00	Jan. 1, 1990
150-999	14.00	Jan. 1, 1990
1000-End	20.00	Jan. 1, 1990
17 Parts:		
1-199	15.00	Apr. 1, 1989
200-239	16.00	Apr. 1, 1990
240-End	22.00	Apr. 1, 1989
18 Parts:		
1-149	16.00	Apr. 1, 1989
150-279	16.00	Apr. 1, 1989
280-399	14.00	Apr. 1, 1989
400-End	9.50	Apr. 1, 1989
19 Parts:		
1-199	28.00	Apr. 1, 1989
200-End	9.50	Apr. 1, 1989
20 Parts:		
1-399	13.00	Apr. 1, 1989
400-499	24.00	Apr. 1, 1989
500-End	28.00	Apr. 1, 1989
21 Parts:		
1-99	13.00	Apr. 1, 1989
100-169	15.00	Apr. 1, 1990
170-199	17.00	Apr. 1, 1989
200-299	6.00	Apr. 1, 1989
300-499	28.00	Apr. 1, 1989
500-599	21.00	Apr. 1, 1989
600-799	8.00	Apr. 1, 1989
800-1299	17.00	Apr. 1, 1989
1300-End	6.50	Apr. 1, 1989
22 Parts:		
1-299	22.00	Apr. 1, 1989
300-End	17.00	Apr. 1, 1989
*23	17.00	Apr. 1, 1990
24 Parts:		
0-199	19.00	Apr. 1, 1989
200-499	28.00	Apr. 1, 1989
500-699	11.00	Apr. 1, 1989
700-1699	23.00	Apr. 1, 1989
1700-End	13.00	Apr. 1, 1990
25	25.00	Apr. 1, 1989
26 Parts:		
§§ 1.0-1.160	15.00	Apr. 1, 1989
§§ 1.61-1.169	25.00	Apr. 1, 1989
§§ 1.170-1.300	18.00	Apr. 1, 1989
§§ 1.301-1.400	15.00	Apr. 1, 1989
§§ 1.401-1.500	28.00	Apr. 1, 1989
§§ 1.501-1.640	16.00	Apr. 1, 1989
§§ 1.641-1.850	19.00	³ Apr. 1, 1989
§§ 1.851-1.1000	31.00	Apr. 1, 1989
§§ 1.1001-1.1400	18.00	Apr. 1, 1990
§§ 1.1401-End	23.00	Apr. 1, 1989
2-29	20.00	Apr. 1, 1989
30-39	14.00	Apr. 1, 1989
40-49	13.00	³ Apr. 1, 1989
50-299	16.00	³ Apr. 1, 1989
300-499	16.00	Apr. 1, 1989
500-599	6.00	Apr. 1, 1990
600-End	6.50	Apr. 1, 1990
27 Parts:		
1-199	24.00	Apr. 1, 1989
200-End	14.00	Apr. 1, 1989
28	27.00	July 1, 1989
29 Parts:		
0-99	17.00	July 1, 1989

Title	Price	Revision Date	Title	Price	Revision Date
100-499.....	7.50	July 1, 1989	42 Parts:		
500-899.....	26.00	July 1, 1989	1-60.....	16.00	Oct. 1, 1989
900-1899.....	12.00	July 1, 1989	61-399.....	6.50	Oct. 1, 1989
1900-1910 (§§ 1901.1 to 1910.441).....	24.00	July 1, 1989	400-429.....	22.00	Oct. 1, 1989
1910 (§§ 1910.1000 to end).....	13.00	July 1, 1989	430-End.....	24.00	Oct. 1, 1989
1911-1925.....	9.00	July 1, 1989	43 Parts:		
1926.....	11.00	July 1, 1989	1-999.....	19.00	Oct. 1, 1989
1927-End.....	25.00	July 1, 1989	1000-3999.....	26.00	Oct. 1, 1989
30 Parts:			4000-End.....	12.00	Oct. 1, 1989
0-199.....	21.00	July 1, 1989	44.....	22.00	Oct. 1, 1989
200-699.....	14.00	July 1, 1989	45 Parts:		
700-End.....	20.00	July 1, 1989	1-199.....	16.00	Oct. 1, 1989
31 Parts:			200-499.....	12.00	Oct. 1, 1989
0-199.....	14.00	July 1, 1989	500-1199.....	24.00	Oct. 1, 1989
200-End.....	18.00	July 1, 1989	1200-End.....	18.00	Oct. 1, 1989
32 Parts:			46 Parts:		
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1-39, Vol. III.....	18.00	⁴ July 1, 1984	70-89.....	7.50	Oct. 1, 1989
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700-799.....	17.00	July 1, 1989	200-499.....	20.00	Oct. 1, 1989
800-End.....	19.00	July 1, 1989	500-End.....	11.00	Oct. 1, 1989
33 Parts:			47 Parts:		
1-199.....	30.00	July 1, 1989	0-19.....	18.00	Oct. 1, 1989
200-End.....	20.00	July 1, 1989	20-39.....	18.00	Oct. 1, 1989
34 Parts:			40-69.....	9.50	Oct. 1, 1989
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¹ Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

² No amendments to this volume were promulgated during the period Jan. 1, 1987 to Dec. 31, 1989. The CFR volume issued January 1, 1987, should be retained.

³ No amendments to this volume were promulgated during the period Apr. 1, 1989 to Mar. 30, 1990. The CFR volume issued April 1, 1989, should be retained.

⁴ The July 1, 1985 edition of 32 CFR Parts 1-189 contains a note only for Parts 1-39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1-39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

⁵ The July 1, 1985 edition of 41 CFR Chapters 1-100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

